



Norfolk Southern Corporation
Law Department
Three Commercial Place
Norfolk, Virginia 23510-9241

Writer's Direct Dial Number

(757) 629-2759
fax (757) 533-4872

James R. Paschall
Senior General Attorney



December 15, 2009

Via UPS Next Day Air

Ms. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, SW,
Washington, DC 20423-0001

FILED

DEC 16 2009

**SURFACE
TRANSPORTATION BOARD**

Re: STB Docket No. AB-290 (Sub-No. 311X), Norfolk Southern Railway Company - Petition for Exemption - Abandonment of Rail Freight Service Operation - In the City of Baltimore, MD and Baltimore County, MD

Dear Ms. Brown:

Enclosed for filing with the Board in the captioned proceeding are an original and ten copies of Norfolk Southern Railway Company's (NSR's) Petition for Exemption from the provisions of 49 U.S.C. § 10903 to abandon all freight operating rights and freight service operations over a line of railroad in the City of Baltimore, MD and in Baltimore County, MD and an exemption from the provisions of 49 U.S.C. § 10904 and § 10905 concerning Offers of Financial Assistance and Public Use Conditions with respect to the abandonment of the freight service rights and operations over the subject line. Also, enclosed is a check for the filing fee and three diskettes in a format that is compatible with the Board's word processing programs.

Very truly yours,

James R. Paschall

Enclosures

FILED
DEC 16 2009
**SURFACE
TRANSPORTATION BOARD**

Ms. Cynthia T. Brown
Chief, Section of Administration
Re: STB AB-290, Sub-No. 311X
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December 15, 2009

cc w/ encl.:

E.C.C.A. Calcium Products, Inc. d/b/a
IMERYS Pigments and Additives Group
P. O. Box 125
10000 Beaver Dam Road
Cockeysville, MD 21030

Baltimore Gas & Electric Company
39 W. Lexington Street
Baltimore, MD 21201

Plant Manager
Fleischmann's Vinegar Company, Inc.
1900 Brand Avenue
Baltimore, MD 21209

Charles A. Spitulnik
Kaplan, Kirsch & Rockwell, LLP
1001 Connecticut Ave., N.W. Suite 905
Washington, D.C. 20056

Richard Johnson
Maryland Department of Transportation
7201 Corporate Center Drive
Hanover, MD 21076

United States Department of Defense
Surface Deployment & Distribution Command
Transportation Engineering Agency (SDDCTEA)
Railroads for National Defense Program
709 Ward Drive, Building 1900, Room 2E264
Scott AFB, IL 62225

**Ms. Cynthia T. Brown
Chief, Section of Administration
Re: STB AB-290, Sub-No. 311X
Page 3 of 3
December 15, 2009**

cc w/ encl.:

**U. S. Department of the Interior - National Park Service
Recreation Resources Assistance Division
1849 C Street NW (2310)
Washington, D.C., 20240-0001**

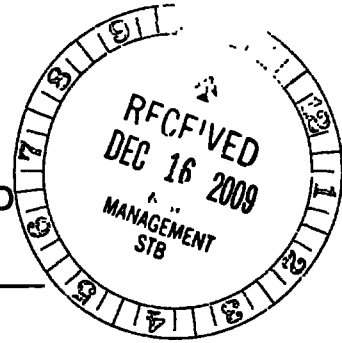
**U. S. Department of Agriculture,
Chief of the Forest Service
Sidney R. Yates Federal Building
1400 Independence Avenue SW
Washington, D.C. 20250-0003**

FEE RECEIVED

DEC 16 2009

**SURFACE
TRANSPORTATION BOARD**

BEFORE THE
SURFACE TRANSPORTATION BOARD



STB DOCKET NO. AB-290 (SUB-NO. 311X)

NORFOLK SOUTHERN RAILWAY COMPANY –
- PETITION FOR EXEMPTION –
ABANDONMENT OF RAIL FREIGHT SERVICE OPERATION –
IN THE CITY OF BALTIMORE, MD AND BALTIMORE COUNTY, MD

ENTERED
Office of Proceedings
DEC 16 2009
Part of
Public Record

FILED
DEC 16 2009
**SURFACE
TRANSPORTATION BOARD**

James R. Paschall
Senior General Attorney
Norfolk Southern Railway Company
Three Commercial Place
Norfolk, VA 23510

(757) 629-2759
Fax (757) 533-4872

Attorney for
Norfolk Southern Railway Company

Dated: December 15, 2009

Before the
Surface Transportation Board

STB Docket No. AB-290 (Sub-No. 311X)

Norfolk Southern Railway Company –
- Petition for Exemption –
Abandonment of Rail Freight Service Operation –
In the City of Baltimore, MD and Baltimore County, MD

Petition for Exemption

Request for Relief, Exemptions; Identity of Petitioner; Location of Subject

Railroad Line. Norfolk Southern Railway Company ("NSR"),¹ hereby petitions the Surface Transportation Board (the "Board" or "STB"), pursuant to the provisions of 49 U.S.C. § 10502, as amended, for exemption from the provisions of 49 U.S.C. § 10903²

¹Identity of Petitioner. Petitioner, Norfolk Southern Railway Company ("NSR") is a common carrier by railroad subject to the jurisdiction of the STB under 49 U.S.C. Subtitle IV, Part A, Chapter 105. NSR operates a railroad system in 22 States throughout the Eastern United States, including Maryland, and the District of Columbia. NSR is a wholly-owned subsidiary of Norfolk Southern Corporation, a non-carrier.

²System Diagram Map. Technically, NSR does not need an exemption from the System Diagram provisions. NSR has listed the Line in category 1 on NSR's system diagram map since March 29, 2004. Moreover, under the facts and circumstances described in this petition, an application for approval to abandon the freight operating rights and freight service operations over the Line should not be required. These circumstances as described in this petition include: no freight traffic has moved over the Line since April 2005, former customers have made alternate transportation arrangements under an agreement with Maryland Transit Administration (MTA), no formal complaints have been filed concerning lack of freight service on the Line and the Line qualifies for the out-of-service line abandonment exemption.

in order to abandon its rail freight operating rights and freight service operations over a 13.26-mile dead-end segment ("Line") of a line of railroad commonly known in recent years as the Cockeysville Industrial Track ("CIT").³ The Line is located between railroad milepost UU-1.00 (located just north of Wyman Park Drive, formerly Cedar Avenue) and the end of the CIT line south of the bridge at railroad milepost UU-15.44⁴ in the City of Baltimore and in Baltimore County, Maryland.⁵ NSR also herein petitions

³NSR Acquisition of the Line's Freight Operating Easement and Rights. NSR acquired the freight operating easement and freight operating rights over the Line from Consolidated Rail Corporation ("Conrail") under the Conrail Transaction Agreement approved by the Board in *CSX Corporation and CSX Transportation, Inc., Norfolk Southern Corporation and Norfolk Southern Railway Company - Control and Operating Leases/Agreements - Conrail Inc. and Consolidated Rail Corporation*, STB Finance Docket No. 33388 (STB served July 23, 1998). Conrail's interest in the Line was allocated initially to Conrail's former subsidiary, Pennsylvania Lines, LLC ("PRR"). PRR's assets, in turn, were leased to and operated by NSR under the NSR-PRR allocated assets operating agreement, effective June 1, 1999. The Board approved the merger of PRR into NSR in *CSX Corporation and CSX Transportation, Inc., Norfolk Southern Corporation and Norfolk Southern Railway Company - Control and Operating Leases/Agreements - Conrail Inc. and Consolidated Rail Corporation*, STB Finance Docket No. 33388 (Sub-No. 94) (STB served November 7, 2003). The merger of PRR into NSR was completed on August 27, 2004.

⁴Map. A map of the Line proposed to be abandoned is attached as Exhibit A.

⁵Connected Ancillary or Excepted Track. The abandonment necessarily includes all ancillary or excepted trackage that connects with the Line, including without limitation, the 1.1-mile, more or less, Hunt Valley Industrial Track, also known as the Cockeysville Industrial Park Track. This track runs through the Cockeysville Industrial Park to Hunt Valley mall (now known as Hunt Valley Towne Centre). Conrail conveyed this track to MTA pursuant to a supplemental agreement dated April 25, 1997, subject to a retained freight railroad operating easement, in order that MTA might extend the light rail service it had established over most of the Line. The track was referred to in the April 25, 1997 agreement as the "Cockeysville Extension." The parties apparently based this description on MTA's plan for the track rather than for its name or place in the Conrail system. Such ancillary industrial lead track is subject to the Board's jurisdiction under 49 U.S.C. § 10501(b) but the abandonment of such track is excepted from the requirement for Board approval or exemption by the provisions of 49 U.S.C. §

the Board for exemptions from the Offer of Financial Assistance (OFA) provisions of 49 U.S.C. § 10904 and the Public Use provisions of 49 U.S.C. § 10905 in connection with the abandonment of the freight service rights and operations over the Line.

MTA Ownership of Line, Materials; MTA's Non-Common Carrier Status As To Freight Service. The Maryland Transit Administration (MTA) owns the entire Line over which NSR will abandon the freight service operating rights and operations. MTA, which is part of the Maryland Department of Transportation (MDOT), acquired the CIT from Conrail in 1990.⁶ In *Maryland Transit Administration - Petition for Declaratory*

10906. The abandonment of freight rights and operations over such track is thus a matter within the managerial discretion of the railroad. NSR's intent to abandon the freight easement, rights and operations over ancillary track springing from the subject Line is expressed by this petition.

⁶MTA Acquisition of CIT; Explanation of Mileposts, Length of Line. MTA acquired the CIT, a 14.22-mile line of railroad between Baltimore and Cockeysville, MD, from Conrail pursuant to an Agreement of Sale dated May 1, 1990 between MTA and Conrail ("Agreement of Sale"). Conrail kept a railroad freight operating easement and exclusive freight operating rights over the Line. Conrail and MTA entered into an operating agreement ("Conrail-MTA Operating Agreement" or "Operating Agreement") setting the terms by which MTA and Conrail were to share use of the CIT in perpetuity and to carry out maintenance, dispatch, and improvements.

The Agreement of Sale described the length of the CIT as "the aforesaid 14.22, more or less, mile line" and the end of the line is described as "railroad milepost 15.4...more or less." Thus, the Agreement of Sale recognized that there might be some small variance to the described 14.22-mile length of the Line. NSR is retaining the freight operating easement, rights and operations for the first mile of the CIT between current Mileposts UU-0.0 and UU-1.00 (1.0 mile) where NSR operates its (NS) Baltimore, MD Thoroughbred Bulk Transfer Terminal. Thus, the Line segment over which freight operating rights and operations will be abandoned is 13.26 miles in length. NSR's calculation of the total mileage for the Line is 0.04-mile (211 feet) longer than the 14.22 miles specified in the Agreement of Sale. This small variance is easily within the tolerance shown in the Agreement of Sale and, in accordance with the description in the Combined Environmental and Historical Report. Moreover, this small difference in the mileage descriptions appears to be attributable to rounding, since 15.44 rounds to 15.4, which produces the same difference of 0.04-mile (211 feet).

The principal difference between the actual distance between the end points of

Order, STB Finance Docket No. 34975 (STB served October 9, 2007 and September 19, 2008) (*Maryland Transit I* and *Maryland Transit II*), the Board found that MTA's 1990 acquisition of the CIT did not require agency (ICC) authorization under 49 U.S.C. § 10901 and that MTA did not acquire a common carrier obligation by virtue of its acquisition of the CIT in 1990 or transactions it has taken since that time.

MTA Passenger Rail Transit. MTA currently operates passenger rail transit

the Line included in this petition for exemption for abandonment of the freight operating rights and operations over the Line (13.26 miles) plus the 1.0 mile of the CIT over which NSR will retain operations and the apparent length of the Line calculated from the interval between the milepost designations of UU-0.0 and UU-15.44 resulted from the relocation of Milepost UU-0.0 at the southern end of the line by approximately 1.18 miles to the north without a corresponding change in the milepost number at the end of the CIT.

The demolition of the Calvert Street Station at former Milepost 0.0 in 1947 led to the later relocation of Milepost UU-0.0 at the beginning of the CIT. NSR's information had been that Conrail made this milepost change, which created a corresponding offset in calculating the actual mileage of the CIT, in the 1970s. However, a Conrail predecessor (either Penn Central Transportation Company or the Pennsylvania Railroad Company as lessee of the Northern Central Railway Company) may have made the milepost change at an earlier date. Regardless of when and by which railroad the milepost change was made, the change had been made by the time Conrail conveyed the Line to MTA. That is the only fact about the milepost change that possibly may be relevant for purposes of this proceeding because it explains the differences between the actual length of the CIT and the calculated distance between the stated mileposts of the entire CIT line conveyed by the Agreement of Sale and of the subject Line segment.

Conrail or a predecessor had changed the milepost number at the beginning of the CIT but continued to use references to the old milepost numbers along and at the end of the CIT. That use of old mileposts along the CIT has continued. This has caused some confusion due to the creation of the apparent discrepancy between the stated length of the CIT and the apparent length of the CIT based on calculation of the difference between mileposts. However, MTA and NSR have now explained the difference between the mileposts and the actual length of the CIT as stated in the Agreement of Sale, in the filings and decisions in *Maryland Transit I* and *II* and above in this petition. Thus, the location and length of the CIT and of the Line which is a substantial segment of the CIT are not subject to doubt or controversy.

service over most of the Line.⁷ MTA's passenger rail transit operation over the Line extends to the wye track just north of Warren Road, near Milepost UU-13, at which the Hunt Valley Extension springs from the CIT main line. This segment of the Line, encompassing most of its length and the Hunt Valley Extension, will remain intact⁸ and

⁷MTA's Light Rail System. MTA's light rail transit system now carries over 18,000 passengers per day over the Line. The Line is part of MTA's 30-mile light rail system which runs from Hunt Valley in Baltimore County, through the heart of Baltimore City, past Oriole Park at Camden Yards, to Cromwell Station/Glen Burnie in Anne Arundel County, MD and links to buses and subways along its route.

⁸Previous Removal of Tracks, Bridge Near End of Line; Board Finding of No Effect on Freight Rail Service. The crossing at Cockeysville Road has been paved over, and most of the tracks north of that point have been removed over the years. The railroad bridge over York Road was removed in the early 1990's by the Maryland State Highway Administration with the authorization of MTA in order to correct a dangerous condition. In *Maryland Transit Administration - Petition for Declaratory Order*, STB Finance Docket No. 34975 (STB served October 9, 2007) (*Maryland Transit I*), the Board described this bridge removal at *slip op.* 2-3, as follows:

MTA's engineer further explains that the segment of track north of the removed overpass had been removed prior to MTA's acquisition and that there were no shippers north of the overpass at the time. As a result, MTA permitted the overpass to be removed and permitted MSHA to reconfigure the street below to remove the dangerous condition. Thus, MTA has adequately addressed the Board's concerns about possible obstacles to rail freight service on the CIT.

No active railroad customers have been located along the Line north of York Road since before MTA acquired the CIT in 1990. *Maryland Transit I*, *slip. op.* p. 2.

The Board further stated in the *Maryland Transit II* decision on reconsideration served September 19, 2008, *slip. op.* p. 7:

Further, MTA has satisfactorily answered Riffin's allegations that MTA had compromised NSR's ability to meet its common carrier obligations by dismantling, salvaging or selling portions of the CIT. MTA has explained that it has not salvaged any part of the rail line that NSR was using to provide freight rail service, and Riffin has not shown that any actions taken by MTA have affected active portions of the CIT.

in operation for passenger rail transit purposes.⁹

Traffic; No Freight Traffic on Line After April 2005; No Formal Service Complaints by Active Customers; Prior Abandonment of Connecting Line Segment Through Final System Plan; Line Qualifies for Out-of-Service Line Exemption; Reason for Petition. No freight traffic has moved over the Line since April 2005.¹⁰ The Line has been a dead-

⁹Nature of Relief Requested. In line with precedent in similar recent STB proceedings, NSR here petitions for an exemption to abandon rather than to discontinue service over a line of railroad with respect to its relinquishment of its freight operating rights and freight service operations over the Line. Because MTA has no residual common carrier obligation to provide rail freight service over the Line, the entire common carrier obligation of any rail carrier or party to provide freight service over the Line will be extinguished with the abandonment of the freight operating rights. The freight operating rights over the Line will be relinquished, and all rail freight service over the Line will be discontinued permanently upon grant of the exemption, NSR's satisfaction of any conditions imposed by the Board and NSR's formal consummation of the abandonment of the freight operating rights and operations over the Line, after which NSR will relinquish its freight operating easement for the Line.

¹⁰Cessation of Rail Freight Service Over the Line; MTA Accommodations of Customers' Alternate Freight Transportation Service; Common Carrier Obligation Satisfied; Availability and Customer Use of Alternative Transportation Arrangements. In or soon after April 2005, MTA began work on double tracking the CIT in order to improve its passenger rail transit operation over it. MTA arranged for alternative transportation service for the remaining shippers on the Line with NSR's cooperation. Those shippers, E.C.C.A. Calcium Products, Inc. d/b/a IMERYS Pigments and Additives Group (IMERYS), Baltimore Gas & Electric Company and Fleischmann's Vinegar Company, Inc., agreed to continue using the alternative arrangements. These shippers have been using transload, bulk transfer, intermodal or motor carrier service to meet their transportation needs. Maryland Specialty Wire, a manufacturer of stainless steel wire formerly located along the Line, closed in 2003.

NSR operates its Baltimore, MD Thoroughbred Bulk Transfer Terminal at approximately milepost UU-1.0 on the segment of the CIT over which NSR will retain its freight easement, rights and operations. NSR also operates an intermodal terminal at 4800 East Lombard Street, Baltimore, MD 21224. Baltimore City, Baltimore County and the surrounding area are also served by CSX Transportation, Inc. and five short line railroads, as well as several independent distribution terminals and warehouse facilities. See e.g. information posted on the internet at the web site of the Port of Baltimore Directory Online.

Maryland Highway Route 45 parallels the Line. Maryland Route 45, most of the

end segment without overhead traffic since Conrail began operations over the Line on April 1, 1976 pursuant to the Final System Plan.¹¹ In the more than 19 years since

length of which is known locally as York Road but with a section several miles long known as Greenmount Avenue, is a main road from U.S. 1 (North Avenue) in Baltimore, Maryland, north to the Maryland-Pennsylvania State line. Interstate Highway 83 parallels Maryland Route 45. I-83 runs due north from Interstate 695, the Baltimore Beltway, which in turn also connects with Interstate 70, Interstate 95, Interstate 97, Interstate 795 and the Baltimore-Washington Parkway (Maryland Route 295). I-83 exits along the segment of the route which parallel York Road and the subject Line include Mile 11.3 - I-695 east; Mile 12.6 - Timonium Road; Mile 14.0 - Padonia Road; Mile 15.4 - MD Route 943 east (Warren Road) - Cockeysville; Mile 17.2 - Shawan Road - Cockeysville. I-695 also intersects with Maryland Route 45 (York Road) east of the I-695 interchange with I-83, near The Shops at Kenilworth.

"Trucking serves every community in Maryland. More than 21,000 Maryland companies have motor carriers registered, operating a fleet of more than 89,000 commercial vehicles and transporting over 200 million tons of freight each year. Approximately 94 percent of all goods moved in Maryland move by truck, as do 75 percent of goods moving through the Port of Baltimore, located within minutes of I-95. Trucks play an important role in local drayage for shipments ultimately moved by rail. In the Washington-Baltimore area alone, there are more than 100 trucking terminals." Source: Maryland Department of Business and Economic Development, www.mdbusiness.state.md.us. "Maryland is literally an east coast crossroads. Traveling or shipping to Maryland, from anywhere, is easy. The east coast's major thoroughfare, I-95, passes directly through Baltimore. I-81 passes through western Maryland, and I-70 connects the central and western parts of the state. A full network of state-maintained highways and bridges, including the famous Chesapeake Bay Bridge, link all parts of Maryland." Source: Maryland Department of Business and Economic Development, www.mdbusiness.state.md.us.

In *Maryland Transit II*, slip. op. p. 7, the Board stated:

As noted, we do not consider an interruption of freight service due to the construction of passenger rail lines to be an unreasonable interference with the freight carrier's service obligation where the transit agency makes satisfactory arrangements with the freight shippers and the carrier for alternative service.

See *Utah Transit*, slip. op. at 4. Since the purpose of the common carrier obligation is to meet the service needs of shippers, it is not an unreasonable interference with the freight railroad's common carrier obligations for the affected parties to agree to continue the alternative service after completion of the track work. In the absence of objections from NSR or active shippers, we have no reason to believe that freight shippers' needs are not being met.

¹¹Final System Plan; Abandonment of Adjacent Line; Milepost and Line Length Changes, Reconciliation. "In response to the bankruptcy of the Penn Central

MTA's acquisition of the CIT, no active shipper on the line has filed a complaint with the ICC or STB or any U.S. District Court asserting that either Conrail or NSR has not met its service obligations with respect to the movement of rail freight traffic over the Line. *Maryland Transit I*, slip. op. p. 2. Therefore, the Line qualifies for class exemption for abandonment of an out-of-service railroad line under the Board's regulations at 49 C.F.R. § 1152.50. Nonetheless, NSR has filed this petition for exemption to abandon the Line under the Board's regulations at 49 C.F.R. § 1152.60 rather than a notice of

Transportation Company and seven other major railroads in the Northeast and Midwest, n2 the 3R Act [the Regional Rail Reorganization Act of 1973, Pub. L. No. 93-236, 87 Stat. 985, 45 U.S.C. 701 et seq. (3R Act), as amended by the Railroad Revitalization and Regulatory Reform Act of 1976 (4R Act), Pub. L. No. 94-210, 90 Stat. 127] provided for the development and ultimate approval by Congress of a Final System Plan (Plan) for the redesign of rail services in the region. Lines that could not be operated profitably and were not considered essential to the rail transportation system would not be included in the Plan. The 3R Act's Plan created Conrail as a for-profit corporation to reorganize the bankrupt rail services in the region."

....."n9 The Plan was submitted to Congress on July 26, 1975. It was approved when neither the House of Representatives nor the Senate objected to it. The Plan was formally approved in section 601(e) of the 4R Act." *Rail Service Continuation Subsidy Standards*, 3 S.T.B. 131 (1998).

As shown on page 269, Volume I of the Final System Plan, July 26, 1975, item 4, Line Code 1324, the Northern Central Railway Company lines between Mileposts 0.0 (Calvert) and 15.4 (Cockeysville) and Mileposts 54.6 (Hyde) and 57.2 (York) were transferred to Conrail. Because the line between Milepost 15.4 (Cockeysville) and 54.6 (Hyde) was omitted from the Final System Plan, that segment of the line was deemed abandoned, and the property continued to be part of the Penn Central bankruptcy estate, under the provisions of the Final System Plan described above. See Exhibit B. "ICC approval was not required for discontinuance and abandonment of rail properties that were not designated by the FSP for continued rail service." *Victor Wheeler, et al. – Petition for Declaratory Order – Rail Line in Erie County, PA*, STB Finance Docket No. 35082 (STB served August 27, 2008).

If the milepost change and consequent shortening of the length of the Line described in footnote 6, *supra*, had not already been made by the Pennsylvania Railroad Company or Penn Central Transportation Company at an earlier date, it was made by Conrail between the date Conrail began operations under the Final System Plan, April 1, 1976 and the date Conrail conveyed the right-of-way to MTA under the May 1, 1990 Agreement.

exemption under the class exemption at 49 C.F.R. § 1152.50 in order to present more detailed information about the subject Line and in order to request exemptions from the Offer of Financial Assistance (OFA) provisions of § 49 U.S.C. 10904 and the Public Use provisions of 49 U.S.C. § 10905.¹²

Reasons for Abandonment of Freight Operating Rights and Freight Operations.

NSR has filed this petition for exemption to abandon its freight operating rights and operations over the Line for the following reasons: NSR freight service operations over the Line ceased in April 2005, active shippers on the Line at that time have been using alternative transportation services for over four years and have agreed with MTA to continue using such services, no railroad customer who has received service over the Line has filed a formal complaint concerning lack of service on the Line, there has been no reasonable request for rail freight service over the Line by or on behalf of an actual railroad customer located along the Line in the period since April 2005 and the Line is now heavily used for passenger rail transit operations.¹³ There is no reasonable

¹² The filing of a petition for exemption to abandon a line of railroad with detailed footnotes, which would usually be unnecessary in a similar factual situation, also was influenced by the Board's decision in the prior proceeding concerning abandonment of the freight operating rights and operations over the subject Line. This appeared to necessitate the filing of additional information in the subject petition even though most of the questions or issues raised have been answered or addressed in the subsequent records and Board's decisions in *Maryland Transit I* and *Maryland Transit II*.

¹³ **Additional Reasons.** Abandonment of the freight operating rights and freight service operations over the subject Line will relieve NSR of responsibility for a currently dormant operation and allow the Line to be used exclusively for MTA's passenger rail transit operations without the renewed expense of hosting freight operations under the Operating Agreement. In the absence of a demand for and of commitments to use freight rail service by rail service customers located on the Line, NSR cannot project any future revenue, much less sufficient revenue from future freight traffic moving over the

prospect that a sufficient volume of traffic could be attracted and definitely committed to use restored rail service over the Line for NSR (or any railroad freight service operator) to be able to operate freight service over the Line at a profit. Thus, there is no need for future rail freight service over the Line. It can be used exclusively for MTA's passenger rail transit operations.

Railroad Counsel, Notify Party. Counsel for Petitioner to whom correspondence may be sent is:

James R. Paschall
Senior General Attorney
Norfolk Southern Railway Company
Three Commercial Place
Norfolk, Virginia 23510-2191

Counsel's Phone Number is: (757) 629-2759

Communities or Locations Along the Line; Zip Codes; Freight Stations. The Line is located in the City of Baltimore, MD and Baltimore County, MD, mainly in the suburbs bordering the City of Baltimore, MD. As a governmental unit, the City of Baltimore is separate from any county. The City of Baltimore, MD's population according to the year 2000 United States Census was 651,154. The Line is also located in the census-designated places and unincorporated communities of Lutherville-Timonium, MD, which is made up of the unincorporated communities of Lutherville, MD and Timonium, MD (year 2000 population: 15,814) and of Cockeysville, MD (year 2000 population: 19,388) in Baltimore County, MD. Texas, MD is simply a railroad station name for a location along the Line in Baltimore County, MD between Timonium and Cockeysville. The Line

Line to cover all costs of the operation and thus to justify resumption of rail freight service operations over the Line.

proposed for abandonment traverses United States Postal Service Zip Codes 21030, 21094, 21139, 21204, 21209, 21210, 21211, 21212 and 21217 and serves the stations of Lutherville, MD, Timonium, MD, Texas, MD and Cockeysville, MD.¹⁴ The southern

¹⁴**Station List is Complete; Previous Erroneous Assertion of Additional Stations on the Line.** In the decision in the prior proceeding, *Norfolk Southern Railway Company - Abandonment Exemption - In Baltimore County, MD*, STB Docket No. AB-290 (Sub-No. 237X) (STB served April 3, 2006), the Board accepted Mr. James Riffin's ("Riffin") statement that the Line included nine additional named stations because NSR did not reply to the allegation. The Line did not then and does not now include additional freight stations. Riffin made his erroneous allegation concerning additional stations on the Line, not in any of his five pleadings in opposition to NSR's petition, but only in his comments on the Environmental Assessment. Since Riffin's statement was not only erroneous but unsupported and NSR had no comment on the Environmental Assessment itself, NSR thought a response to Riffin's almost entirely immaterial and irrelevant comments on the EA was not needed. As a result of the Board's decision in that proceeding, NSR had to clarify other facts concerning the Line and MTA had to address the issue of whether MTA acquired a common carrier obligation when it acquired the CIT in a new proceeding before an exemption to abandon the freight operating rights over the Line could be granted. Thus, the Board's statement concerning a question about whether the freight station list was complete was not a critical determination that resulted in the decision in the prior abandonment proceeding. Therefore, a later, further explanation of the facts concerning the accuracy of the station list in the previous proceeding would have been superfluous at the time.

The *Official Railroad Station List*, OPST-Q, published on various dates after the acquisition of the CIT by MTA, shows that these four named stations were and are the only freight stations on the Line. Riffin's erroneous previous reference to additional stations on the Line almost certainly was taken from an old timetable or some other unofficial and outdated information which showed old commuter passenger stations along the Line. These locations on the Line also may be shown on valuation maps or track charts for the Line but such references do not necessarily equate the locations to existing freight stations. References on such maps or charts would be unofficial and would signify only a name for the locations not that the locations had freight stations. There may or may not have been past stations and there may or may not be current stations at such locations.

Exhibit C contains pages for all the freight stations that existed in Maryland and, in addition, for all freight stations that were located on the Line while freight operations on the Line were still operated by Conrail as shown in the 1996 *Official Railroad Station List*, OPST-Q, issued March 1, 1996, effective March 15, 1996. The four stations shown in the text are the only stations shown for the Line (page 619, bottom of right-hand column). The additional stations named by Riffin in the prior proceeding are not shown

portion of the Line is governed by the station of Baltimore. NSR will continue to provide rail service to the station of Baltimore, MD and to the NS Baltimore, MD Thoroughbred Bulk Transfer Terminal (formerly the Conrail "Flexi-Flo" bulk terminal facility), which is located along the first mile of the CIT. NSR is retaining its freight service easement, operating rights and operations over that one-mile segment of the CIT.

Request for Exemption from Public Use Conditions, Offers of Financial Assistance; No Consent to Trail Use Negotiation Condition. Since the Line over which the freight service operating rights and freight service operations will be abandoned will remain in use for a public purpose as a passenger rail transit line of railroad operated by the Maryland Transportation Administration (MTA) and owned by the Maryland Department of Transportation (MDOT), the Line's right-of-way will continue to be put to public use. *Los Angeles County Metropolitan Transportation Authority - Abandonment Exemption - In Los Angeles County, CA*, STB Docket No. AB-409 (Sub-No. 5X) (STB served July 17, 2008), *slip op.* p. 5. Moreover, NSR does not have a sufficient property interest in the right-of-way that NSR could convey to a third party for additional public use. Therefore, the Line's right-of-way property is not suitable for additional public use as a result of the abandonment of NSR's freight operating rights and operations over the Line.

Under these circumstances, NSR requests that the Board find that the abandonment of the freight service operating rights and freight service operations over

either for the Line or in the list of all freight stations for the entire State of Maryland. This list of four stations was carried forward without additions in later editions of the *Official Railroad Station List*.

the Line should not be subject to Offers of Financial Assistance or Public Use Conditions and therefore that the Board exempt the abandonment of NSR's freight service operating rights and freight service operations over the Line from the provisions of 49 U.S.C. § 10904 (offer of financial assistance procedures) and 49 U.S.C. § 10905 (public use conditions). We provide additional argument in support of the OFA exemption in this proceeding later in this petition.

Because MTA, the owner of the Line's right-of-way, will continue to use that right-of-way for passenger rail transit operations, NSR will not consent to the imposition of a Trail Use negotiation condition (NITU) with respect to the Line's right-of-way in this proceeding. The Board has no jurisdiction or authority to impose a trail use negotiation condition or arrangement on an unwilling party.¹⁵

Statement Concerning Federally Granted Right of Way. Based on information in NSR's possession, the Line does not contain federally granted right-of-way. Any documentation later found in NSR's possession concerning this matter will be made available promptly to those requesting it.

Title Search. Whether or not the title to any of the property on which the Line is located is subject to any reversionary interest is not relevant in this proceeding. The Line's right-of-way is already owned or lawfully used under easements for railroad purposes by MDOT for MTA's passenger rail transit operations. MDOT and MTA are

¹⁵See 49 C.F.R. § 1152.29; *Citizens Against Rails to Trails v. STB*, 267 F.3d 1144 (D.C. Cir. 2001); *National Wildlife Federation v. I.C.C.*, 850 F.2d 694, 699-702 (D.C. Cir. 1988); *Consolidated Rail Corporation - Abandonment Exemption - Lancaster and Chester Counties, PA*, STB Docket No. AB-167 (Sub-No. 1095X) (STB served June 3, 2004); and *Rail Abandonments - Use of Rights-of-Way as Trails*, 2 I.C.C.2d 591, 598 (1986).

public agencies. MTA will continue to use the CIT, including the entire Line, for passenger rail transit purposes, which are public purposes. *Los Angeles County Metropolitan Transportation Authority - Abandonment Exemption - In Los Angeles County, CA*, STB Docket No. AB-409 (Sub-No. 5X) (STB served July 17, 2008), *slip op.* p. 5.

Employee Protection. Under 49 U.S.C. 10502(g), the Board may not use its exemption authority to relieve a carrier of its statutory obligation to protect the interests of its employees. Therefore, NSR is willing, as a condition to the Board granting the requested exemption, for the Board to order that the employee protective conditions set forth in *Oregon Short Line R. Co. -- Abandonment -- Goshen*, 360 I.C.C. 91 (1979), will apply to the consummation of this abandonment exemption.

Environmental and Energy Impact; Environmental and Historical Report. A combined Environmental and Historic Report concerning the abandonment of the freight service operating rights and freight service operations over the subject Line, which NSR prepared and previously distributed to the appropriate Federal, State and Local agencies in accordance with the Board's regulations, and the responses to the Report that have been received by NSR from such agencies to date is attached as Exhibit E. NSR has no ownership interest in any fixed assets on the Line and thus could not perform any salvage activities on the right-of-way as a consequence of the abandonment exemption. MTA owns the Line in its entirety and will continue to use the Line for passenger rail transit operations and public purposes after the abandonment of the freight service operating rights and freight service operations over the Line. Therefore, NSR will not undertake salvage operations as a result of the abandonment of

its freight service operating rights and freight service operations over the Line.

Since NSR will not perform any salvage and MTA will continue to operate passenger rail transit service over the Line, the Board's grant of the requested exemption to abandon NSR's freight operating rights and freight operations over the Line will result in the equivalent of a discontinuance of service for environmental and historic preservation purposes. No environmental or historic reports are required in service discontinuance proceedings. Nonetheless, NSR submitted an environmental and historic report in this proceeding because it is nominally an abandonment proceeding. In addition, NSR's environmental and historic report shows that if the Board makes findings on environmental or historic issues or subjects, the Board should find that the proposed abandonment of freight service operating rights and freight service operations over the Line will not result in any adverse effect on the environment. Furthermore, the abandonment of the freight operating rights and operations over the Line, along with the planned subsequent use of the Line by MTA for continued passenger rail transit operations, will not result in any adverse effect on historic places, properties or resources that are listed in or eligible for listing in the National Register of Historic Places.

In response to NSR's Environmental and Historic Report, the Maryland State Historic Preservation Officer has stated that the proposed undertaking will not result in an adverse effect on National Register of Historic Places Listed or Eligible properties.¹⁶

¹⁶Cockeysville Freight Depot. NSR does not own the old Cockeysville Freight Depot which is adjacent to the Line. Moreover, NSR's abandonment of its freight operating rights and operations and subsequent relinquishment of its freight operating easement without conducting any salvage operations or other alterations of the land

The Maryland Department of the Environment has stated that NSR's proposed plan to abandon its rail freight service rights and operations over the Line does not appear to impact regulated water resources that would require an authorization from the State of Maryland. Since NSR will conduct no salvage operations along the Line, the contingency concerning the need for authorization for such salvage operations that might impact any tidal or nontidal wetland that is stated in the Maryland Department of the Environment's letter of October 28, 2009 can not occur.

Thus, NSR requests that the Board find that the abandonment of the freight service operating rights and operations under the circumstances described in this petition would not and does not require any environmental or historic conditions to be placed on NSR's consummation of the abandonment of those freight service operating rights and operations over the Line.¹⁷

adjacent to the Depot will have no effect on the Depot property. See also the response from the Maryland State Historic Preservation Officer to NSR's combined Environmental and Historic Report below.

¹⁷Scope and Extent of STB Environmental Review in Abandonment Proceedings. It is well settled that in conducting an environmental review in abandonment cases, the Board's role is limited to the anticipated impacts of the abandonment proposal before the agency, e.g., the likely diversion of traffic to other lines or transportation modes and the likely disruptive consequences of removing the track and related structures. *Iowa Southern R. Co.-Exemption-Abandonment*, 5 I.C.C.2d 496, 501 (1989), aff'd, *Goos v. ICC*, 911 F.2d 1283 (8th Cir. 1990). The proposed abandonment of freight operating rights and freight service operations over the Line will not result in any current or further diversion of freight traffic because that traffic was diverted to truck, intermodal, rail-motor or transload service in 2005. The abandonment of freight operating rights and operations over the Line will not result in any salvage activities, bridge removal or in-water work by NSR because the right-of-way and materials belong to MTA, which will continue to operate its passenger rail transit service over most of the Line. Any conditions imposed, including environmental conditions for the mitigation of any environmental problems resulting from the abandonment of the freight service operating rights or operations, must be directly related to the abandonment proposal before the

We note in the event a question is raised on the topic that MTA's post-abandonment use of the Line's right-of-way is outside of the Board's jurisdiction and the Board has no jurisdiction to impose environmental or historic preservation process conditions on MTA or on NSR with respect to post-abandonment activities of MTA.¹⁸

Notice of Filing of Petition Given to Previous Customers and Government

Agencies; Newspaper Notice. NSR is giving notice to the three shippers that were active railroad freight service customers located along the Line when railroad freight service was suspended because of MTA's improvement and double tracking project, E.C.C.A. Calcium Products, Inc. d/b/a IMERYS Pigments and Additives Group (IMERYS), Baltimore Gas & Electric Company and Fleischmann's Vinegar Company, Inc., even though they have used alternate transportation services since April 2005 and have agreed with MTA not to protest NSR's abandonment of its freight operating rights and freight service operations over the Line.

Board for approval or exemption and must be reasonable.

Thus, a requirement for any further environmental assessment or study or the imposition of any further environmental or historic conditions on the consummation of the abandonment of the freight operating rights and operations over the Line that might be requested in this proceeding would go beyond the Board's environmental analysis and review authority in railroad line abandonment cases. Moreover, agency and court precedent establish that environmental impacts relating to uncertain post-abandonment property reuse proposals are not part of the Board's environmental review process in rail abandonment cases. See footnote 17.

¹⁸*Maryland Transit Administration - Petition for Declaratory Order*, STB Finance Docket No. 34975 (STB served October 9, 2007 and September 19, 2008)(*Maryland Transit I* and *Maryland Transit II*); *Burlington Northern and Santa Fe Railway Company - Abandonment Exemption - In Snohomish County, WA*, STB Docket No. AB-6 (Sub. No. 422X) (STB served July 9, 2004), Environmental Assessment; *Implementation of Environmental Laws*, 7 I.C.C.2d 807, 811-812 (1991); *Iowa Southern R. Co.-Exemption-Abandonment*, 5 I.C.C.2d 496, 501(1989), aff'd, *Goos v. ICC*, 911 F.2d 1283 (8th Cir. 1990).

NSR also is giving notice to the public agencies required to be served with petitions for exemption to abandon railroad lines by mailing copies of this petition for exemption to them. Several additional government agencies have received notice of the petition for exemption through NSR's previous distribution of the Environmental and Historic Report to the agencies specified in the Board's regulations.

NSR has arranged for the publication of a newspaper notice concerning the filing of the petition for exemption in The Baltimore Sun, which is widely circulated in the City of Baltimore and adjoining Baltimore County, MD, as the attached certification (Exhibit F) attests.

Passenger Service. As specifically described above, the Line is now used, and will continue to be used after the abandonment of the freight service operating rights and freight service operations over the Line, for passenger rail transit service. There is no intercity rail passenger service over the Line.

Draft Federal Register Notice. A draft notice of NSR's petition for exemption in this proceeding, to be published by the Board in the Federal Register within 20 days of the petition's filing, and a copy of the draft notice contained on three computer discs compatible with the Board's current word processing capabilities are attached.

Possible Protest or OFA Filing. Mr. James Riffin ("Riffin") expressed interest in filing an OFA to acquire NSR's freight operating rights over the subject Line in the previous abandonment proceeding concerning the Line, but he also filed a protest to the petition in that docket. Any relevant or material issues or questions raised by Riffin's protest, which were mainly centered on whether MTA had a common carrier obligation or residual common carrier obligation to provide freight service on the Line, have been

settled or answered in later Board decisions, most particularly *Maryland Transit I* and *Maryland Transit II*. Nonetheless, we expect Riffin to reappear in this proceeding and we can not be sure whether he will confine himself to making an Offer of Financial Assistance (OFA). Therefore, we will address a few allegations connected with the abandonment exemption that Riffin may raise again. These points will further support our request for an exemption from the OFA provisions of 49 U.S.C. 10904 on which we elaborate below.

Riffin Has No Right to Assert Third-Party Protests or Claims or to Represent Other Parties. Riffin can not assert the alleged protests, assertions or claims of other parties.¹⁹ Riffin has no right or authority to represent third party interests to or before the Board because he is not a lawyer admitted to practice before the Bar of any State. The Board previously has rejected his unverified, vague, conditional or unsupported assertions concerning the transportation needs or desires of third parties.²⁰ If Riffin

¹⁹*Consolidated Rail Corporation -- Abandonment -- Between Schneider, IN and Danville, IL In Lake, Newton, Benton, And Warren Counties, IN And Vermillion County, IL*, Docket No. AB-167 (Sub-No. 1127) (ICC served August 26, 1994). We acknowledge that Riffin may represent his own interests, if he has any, and because administrative agencies are not bound by the strict requirements of standing that otherwise govern judicial proceedings, the Board might view the possibility of the existence of such interests liberally. Nonetheless, Riffin must be an affected party and his interest in the matter must be personal to justify his standing to participate as a party even in an administrative proceeding that is not a rulemaking proceeding in which comments have been solicited from the public in general. We submit that inasmuch as he is not an NSR customer, he is not an affected party with respect to NSR's abandonment of its freight operating rights and freight service operations over the Line.

²⁰In *Maryland Transit II*, *slip. op.* at 6-7, n. 13, the Board stated:

n. 13. In one of his several "supplemental" filings, Riffin attached letters that he procured from four putative shippers, apparently to show that MTA removed active portions of the CIT or that MTA has interfered with NSR's ability to provide common carrier rail service. They contain equivocations such as: "If

again tenders such deficient statements and claims based on unverified vague or conditional statements of third parties in this proceeding, his further assertions also should be accorded no weight in the decision in this proceeding.

Riffin Is Not a Shipper on the Line. Riffin may argue that he is a shipper on the Line who has been denied rail freight service. Riffin has attempted to ship derelict railroad equipment to a location near but not connected to the Line. The facility at that location has not been connected to the Line during the period of his ownership of the property, if it ever was. He has made no definite request for service for any rail freight shipment or delivery for himself as a shipper at a location that has had rail service after 1990. He has made no transportation contract with NSR and has made no written

shipping our raw ingredients to us by rail was less expensive than shipping it via truck, we would consider using rail service.” These letters, which are filtered to us through Riffin, are too vague and indefinite to be given any weight. Generally, a reasonable request for service is one that is specific as to volume, commodity and time of shipment. *CSX Transportation, Inc. - Abandonment Exemption - In Parke and Vermillion Counties, IN.*, STB Docket No. AB-55 (Sub-No. 579X) (STB served Sept. 13, 2002), aff’d, *Montezuma Grain Co. v. STB*, 339 F.3d 535 (7th Cir. 2003). A shipper may not “lie low” and then claim that a request for service has not been honored. See *Groome & Associates, Inc. and Lee K. Groome v. Greenville County Economic Development Corporation*, STB Finance Docket No. 42087, *slip op.* at 11 (STB served July 27, 2005).

In *Maryland Transit II*, *slip. op.* at 9, and n. 20, the Board stated:

Finally, we note that Riffin does not purport to represent any shipper here, and that he has not submitted verified statements from any shippers regarding problems with NSR’s service or the adequacy of alternative arrangements negotiated between the shippers and MTA or NSR. Under these circumstances, Riffin’s bare allegations – presented in his unsworn filings and his own accounts of purported statements by other (sometimes unnamed) individuals – are not sufficient to convince us that discovery was necessary in this case. [20]

n. 20. See *Norfolk Southern Railway Company - Abandonment Exemption - Norfolk and Virginia Beach, VA*, STB Docket No. AB-290 (Sub-No. 293X), *slip op.* at 6 (STB served Nov. 6, 2007) (finding unpersuasive Riffin’s self-serving characterization of the needs or desires of others).

commitment to ship or receive any volume of rail freight traffic over the Line at any specific rate or revenue amount at a location that now can be served by rail freight service.

The Board has already dealt with and rejected Riffin's claims to be a shipper on the Line. In *Maryland Transit II*, slip. op. at 2, n. 2, the Board stated:

n. 2. Riffin owns property on York Road in Cockeysville, which he alleges is adjacent to the CIT. However, MTA's engineer, head archivist and historian stated that there has not been any rail connection between Riffin's property and the CIT since the 1940's. Response of the Maryland Transit Administration, Exh. 1, ¶ 7 (verified statement of Robert L. Williams) (filed Apr. 20, 2007). See also *James Riffin - Petition for Declaratory Order*, STB Finance Docket No. 34997, slip op. at 5 (STB served May 2, 2008) (*Riffin Declaratory Order*). Riffin has not presented any evidence that his property has been connected to the CIT at any time during the period of his ownership.

In *Maryland Transit II*, slip. op. at 9, the Board stated:

n19 Riffin has written a letter and spoken informally to Board personnel about NSR's alleged refusal to deliver unidentified "rail cars" to Riffin in Cockeysville. But consistent with our finding in *Riffin Declaratory Order*, supra note 2, the record here indicates that Riffin's property is located beyond the northern limit of the CIT and that Riffin's property was severed from the CIT prior to MTA's acquisition of the CIT. See Response of Maryland Transit Administration, Exhibit 1 at P 7, P 13. Thus, Riffin is not a shipper on the CIT.²¹

²¹Further on Riffin's Status As Not a Rail Freight Service Customer or a Rail Common Carrier. In addition to the Board's statements in the text and the previous footnote from the *Maryland Transit II* decision, in *James Riffin - Petition for Declaratory Order*, STB Finance Docket No. 35245 (STB served September 15, 2009), petition for review filed November 12, 2009, slip. op. at 3, n. 6, the Board stated:

Fn. 6. In his application, Riffin asserts that he "owns and operates a rail carrier maintenance-of-way facility/rail car maintenance and repair shop, which is adjacent to, and will be served by, the [Veneer Spur]." Application at 3, STB Finance Docket No. 35246, *James Riffin - Acquisition and Operation - Veneer Spur - In Baltimore County, MD*. In an earlier filing, Riffin stated that his purported maintenance-of-way (MOW) facility is located several hundred feet north of the CIT, is separated from the CIT by a substantial creek, and would need the construction of 600 feet of track to connect to the Veneer Spur. Memorandum of Law at 8, attached to Verified Notice of Exemption, STB Docket No. 35221, *James Riffin - Acquisition and Operation Exemption - Veneer Spur -*

There is no reason for the Board to change this conclusion or to use vague or conditional promises of future traffic from Riffin as a basis for concluding that profitable rail freight service can be restored over the Line.

Speculative Assertions Concerning Possible Future Traffic Provide No Basis for Denying Approval or Exemption of a Rail Line Abandonment. For many years the agency (ICC and STB) has not denied approval or exemption for the abandonment of a line of railroad based on vague and speculative assertions concerning the availability of future traffic on the Line of the type Riffin has submitted in previous proceedings and

In Baltimore County, MD. Riffin's description of his purported MOW facility in his earlier filing is consistent with the Board's previous finding that that property is no longer connected to the CIT. *Maryland Transit Administration - Petition for Declaratory Order*, STB Finance Docket No. 34975, *slip op.* at 2 n.2 (STB served Sept. 17, 2008). The absence of any such connection, combined with Riffin's failure to show it would be commercially practicable to transport his MOW equipment back and forth (150 miles each way) between the Cockeysville "storage" site and the Allegany line demonstrates that the Cockeysville property is not part of, or integral to, transportation by rail carrier. *See James Riffin - Petition for Declaratory Order*, STB Finance Docket No. 34997, *slip op.* at 1, 5 (STB served May 2, 2008) (*Riffin Preemption Order*), appeal docketed sub nom. Riffin v. STB, No. 08-1190 (D.C. Cir. May 14, 2008) (rejecting Riffin's claim that federal preemption covered the Cockeysville property, which is "disconnected" from the Allegany line and at a separate location in Maryland.); *Suffolk & Southern Rail Road, LLC - Lease and Operation Exemption - Sills Road Realty, LLC*, STB Finance Docket No. 35036, *slip op.* at 3 (STB served Aug. 27, 2008) (rail carrier's proposed transloading activities in one state not entitled to federal preemption given lack of evidence that the facility was connected to carrier's existing operations, located hundreds of miles away); *cf. James Riffin d/b/a The Northern Central Railroad - Acquisition and Operation Exemption - In York County, PA*, STB Finance Docket No. 34552, *slip op.* at 6 (STB served Feb. 23, 2005) (revoking authorization to acquire rail line because it appeared that Riffin was "attempting to use the cover of Board authority allowing rail operations in Pennsylvania to shield seemingly independent operations and construction [at his purported MOW facility] in Maryland from legitimate processes of state law").

may submit again in this one.²² Based on this consistent precedent, the Board can not deny the requested exemption in whole or in part on this basis.

In Lamoille Valley Railroad Company - Abandonment and Discontinuance of Trackage Rights Exemption - in Caledonia, Washington, Orleans, Lamoille, and Franklin Counties, VT, STB Docket No. AB-444 (Sub-No. 1X) (STB served January 24, 2005) (Lamoille Valley) an individual petitioned the Board to reopen a decision granting an exemption for abandonment of a railroad line based on "new evidence" of expressed

²²Among many other precedents rejecting speculative or unsupported assertions of increases in future traffic as a reason to deny an application for approval or petition for exemption to abandon a line of railroad, see in addition to the decisions cited in the text *Montezuma Grain Co., LLP v. Surface Transportation Board*, 339 F.3d 535 (7th Cir. 2003), affirming *CSX Transportation, Inc. – Abandonment – Between Bloomingdale and Montezuma, in Parke County, IN*, Docket No. AB-55 (Sub-No. 486) (STB served September 13, 2002); *CSX Transportation, Inc. v. Surface Transportation Board*, 321 U.S. App. D.C. 80; 96 F.3d 1528 (D.C. Cir. 1996); *Simmons v. United States of America*, 698 F.2d 888 (7th Cir. 1983) rehearing denied 710 F.2d 840; *Union Pacific Railroad Company - Abandonment - In Rusk County, TX*, STB Docket No. AB-33 (Sub-No. 275) (STB served September 11, 2009); *Mid-Michigan Railroad, Inc. - Abandonment Exemption - In Kent, Ionia, and Montcalm Counties, MI*, STB Docket No. AB-364 (Sub-No. 14X) (STB served September 26, 2008); *BNSF Railway Company - Abandonment Exemption - In Oklahoma County, OK*, STB Docket No. AB-6 (Sub-No. 430X) (STB served June 5, 2008); *New York Central Lines, LLC - Abandonment Exemption - in Lake County, OH*, STB Docket No. AB-565 (Sub-No. 11X) (STB served January 31, 2003); *Gauley River Railroad, LLC - Abandonment and Discontinuance of Service - in Webster and Nicholas Counties, WV*, STB Docket No. AB-559 (Sub-No. 1X) (STB served October 2, 2000); *Georgia Central Railway, L.P. - Abandonment Exemption - in Chatham County, GA*, STB Docket No. AB-367 (Sub-No. 2X) (STB served September 17, 1997); *CSX Transportation, Inc. - Abandonment Exemption - In Bell County, KY and Claiborne County, TN*, Docket No. AB-55 (Sub-No. 478X), *slip op.* at 5-6 (ICC served August 5, 1994); *Southern Pacific Transportation Company - Abandonment - In Gila, Graham and Cochise Counties, AZ*, ICC Docket No. AB-12 (Sub-No. 104) (ICC Decided September 9, 1986); *Soo Line Railroad Company - Abandonment Exemption - In Hennepin County, MN*, ICC Docket No. AB-57 (Sub-No. 15X) (ICC Decided August 21, 1986); *Burlington Northern Railroad Company - Abandonment - in Adams, Kearney and Phelps Counties, NE*, ICC Docket No. AB-6 (Sub-No. 217) (ICC Decided November 9, 1984); *Baltimore & Ohio R. Company Abandonment*, 354 I.C.C. 240, 243 (1978); and *Long Island R. Co. Abandonment*, 228

potential interest in future rail service. The submissions expressed only conditional interest in rail service if it would be provided at lower cost with at least as much convenience as transportation alternatives. These submissions were contained in unverified letters or statements by parties who have not previously used rail service and who have not made a definite request for or commitment to use or pay for any specific volume of future rail service or were outright hearsay recited by a third party. Riffin has made similar submissions in past Board proceedings and may make such submissions again in this proceeding. The Board gave no weight to this type of submission in *Lamoille Valley* and similar cases as well as in proceedings where such submissions have been made by Riffin such as *Maryland Transit I* and *II*. In *Lamoille Valley*, The Board stated at *slip op.* at 3:

Petitioner's assertions regarding the alleged interest in future rail service are based on estimates and letters submitted by entities that had never used rail service. These expressions of interest do not constitute requests for rail service, and they are not commitments to use and pay for future rail service. See *Idaho Northern & Pacific Railroad Company - Abandonment Exemption - In Wallowa and Union Counties, OR*, Docket No. AB-433X, slip op. at 3 (STB served Dec. 13, 2001). Moreover, petitioner has not shown that this estimated traffic level (750-1,000 carloads per year), were it to materialize, would be sufficient to support denial of an abandonment request. *Id.* In addition, there is no evidence in the record of any formal shipper complaints regarding lack of service on the line.

If Riffin submits such "evidence" again in this proceeding, the Board should accord it the same lack of weight. Such submissions should continue to be found and treated as speculative assertions of the possibility of future traffic for movement over the Line and not as definite commitments to use rail freight service over the Line or to pay any specific rate for any definite volume of future rail traffic over the Line.

OFA Information. NSR requests that the Board exempt, and believes the Board should exempt, the abandonment of its freight service operating rights and freight service operations over the subject Line from the Offer of Financial Assistance (OFA) provisions of 49 U.S.C. § 10904. Nonetheless, NSR states that if OFA information concerning ownership or valuation of the Line's right-of-way or other property was requested, NSR could only respond that MTA, not NSR, owns the right-of-way, including all real estate held in fee, and the track and materials that comprise the Line. NSR can not convey the Line's right-of-way or material to an offeror. Therefore, NSR can not provide a minimum purchase price for the Line or the supporting valuation information.

NSR succeeded to the Operating Agreement between Conrail and MTA which specified terms and conditions for Conrail's use of its freight service easement and exercise of its freight service operating rights over the Line. It is clear from the record of Riffin's participation in other proceedings, including the Board's decisions in *Maryland Transit I* and *Maryland Transit II*, that Riffin has copies of the Agreement of Sale and the Operating Agreement between Conrail and MTA concerning the subject Line.

The modest charges (for maintenance of switch connections) to Conrail and later to NSR from MTA for maintenance of connections to lead tracks or side tracks along the Line that are specified in the Operating Agreement would not represent the value or cost of the use of the Line for a third party. The reservations in the 1990 Conrail-MTA Agreement of Sale and deed and the charges and costs only for maintenance of connections for Conrail's continuing use of the Line for freight service in the Operating Agreement must be viewed as part of the consideration for the purchase of the property

by MDOT for MTA. A new party which would use the Line to provide continued freight service would not have provided the consideration of the sale of the CIT for a certain amount to MTA to justify future considerations with respect to compensation to MTA for its use of the line. A new party such as a new short line operator who has never provided any rail transportation service also would not likely have the financial resources and proven cooperation and responsibility of a Class I railroad to, pay any expenses, perform any obligations or take responsibility for any liabilities that might be incurred or due to MTA in the operation of the Line.

As shown in this section of this petition, NSR can not estimate the value of the freight operating easement, freight service operating rights and freight service operations on the Line or the compensation that should be paid to MTA for such easement, rights and operations by a third party.

NSR does not maintain the Line and has not used it since April 2005 when freight traffic ceased moving over the Line. Therefore, NSR has no reports on the current physical condition of the Line. For the same reason, NSR has no current traffic, revenue, and other data necessary to determine the amount of annual financial assistance that would be required to continue rail transportation over the Line.

While NSR surmises that only minor rehabilitation of the Line and restoration and reconnection of switches would be required to perform freight service over the Line, only MTA could estimate the costs of any rehabilitation or other work that would be necessary to put all or any part of the Line in condition for the operation of freight service over the Line and to ancillary tracks, maintenance costs for a third party's use of the Line and other consideration for or terms of use of the right-of-way by a third party

operator.

Thus, NSR has no information relevant to a potential OFA to acquire or to subsidize continued freight rail service over the Line that is not being disclosed in this petition or that has not previously been disclosed through submission or consideration of the Agreement of Sale and the Operating Agreement in previous STB proceedings. As the above discussion clearly suggests, NSR may lack further information on such costs, but that does not mean there are no such costs. It does not mean that there would be no subsidy costs if any freight traffic were to move over the Line in a subsidy year or if the Board would find that a property interest or right that could be acquired by an OFA offeror exists. MTA would need to address or decide the amount or value of current or future maintenance, rehabilitation and track usage costs, the valuation of a freight service easement or operating rights if acquired by a third party and the value of or expenses and risk or opportunity costs saved by not having a freight rail carrier operator using the Line.

There are no revenues derived from freight operations on the Line now nor have any freight revenues been generated in well over four years. No freight revenues can be projected for future operations over the line because any such operations are speculative, at best. No current traffic moves over the Line. No previous or committed future railroad customers have made definite commitments to provide any amount of freight traffic for transportation over the Line or any segment of the Line at any given rate or revenue amount for a subsidy year or any future time period. There is no credible evidence to support a finding that operation of the Line in the future could be profitable. Thus, the proceeding instituted by the filing of this petition need not be

delayed for a response to any request for OFA information because NSR has no additional relevant or material information concerning a possible OFA filing that could be provided to any potential offeror.

Exemption from the OFA Provisions of 49 U.S.C. § 10904. NSR requests that the Board exempt the abandonment of NSR's freight service operating rights and its freight service operations over the Line from the provisions of 49 U.S.C. § 10904.²³ The Board has exempted abandonments from the OFA provisions of 49 U.S.C. § 10904 when the line proposed for abandonment is needed for a valid public purpose and there is no overriding public need for rail service on the line.²⁴ These criteria are met in this proceeding where the Line is owned by a public transit agency, used for a passenger rail transit operation, no traffic has moved over the Line since April 2005 and there has not been a reasonable request for rail service from a customer on the Line since that date.

²³NSR anticipates that Riffin will file an Offer of Financial Assistance (OFA) to acquire NSR's interest in the operating easement or operating rights for the Line. As already noted and as set forth with further argument below, NSR asks that the Board grant an exemption from the OFA provisions with respect to the abandonment of the freight operating rights and the rail freight operations on the Line, which in turn will result in the relinquishment of the freight operating easement over the Line.

²⁴See e.g., *BNSF Railway Company - Petition for Declaratory Order*, STB Finance Docket No. 35164 et al., slip op. at 9-10 (STB served May 20, 2009) (relocation of a highway; no local traffic for 10 years), appeal docketed, No. 09-1161 (D.C. Cir. June 11, 2009); *Norfolk Southern Railway Company - Abandonment Exemption - In Norfolk and Virginia Beach, VA*, STB Docket No. AB-290 (Sub-No. 293X) (STB served Nov. 6, 2007) (public transit plans; no active shippers), petition for review dismissed, sub nom. Riffin v. STB, No. 07-1483 (D.C. Cir. Apr. 22, 2009); *CSX Transportation, Inc. - Abandonment Exemption - In Pike County, KY*, STB Docket No. AB-55 (Sub-No. 653X), slip op. at 1, 2-3 (STB served Sept. 13, 2004) (expansion of a highway; no local traffic). The agency has exempted the abandonment of a railroad line from the OFA provisions in a few other types of situations as well, but such findings are not needed as

An OFA must be submitted for the purpose of continuing rail freight service.

There is no rail freight service on the Line to continue. Moreover, there is no reasonable prospect that any definite amount of freight traffic would move over the Line in the future, much less a sufficient amount of definite future freight traffic to operate freight service over the Line at a profit. Under such circumstances, a potential offeror must meet a high burden of proof to show that any OFA submitted to the Board represents a legitimate and thoroughly planned effort to restore rail freight service with a reasonable prospect for success. *Consolidated Rail Corporation - Abandonment Exemption - In Hudson County, NJ*, STB Docket No. AB-167 (Sub-No. 1190X) (STB decided August 12, 2009); *CSX Transportation, Inc. - Abandonment Exemption - In Glynn County, GA*, STB Docket No. AB-55 (Sub-No. 697X) (STB served July 9, 2009); *Norfolk Southern Railway Company - Abandonment Exemption - in Somerset County, PA*, STB Docket No. AB-290 (Sub-No. 305X) (STB served January 16, 2009); and *Los Angeles County Metropolitan Transportation Authority - Abandonment Exemption - In Los Angeles County, CA*, STB Docket No. AB-409 (Sub-No. 5X) (STB served July 17, 2008)

The Board is likely to be presented with an OFA by Riffin not unlike the OFA and supporting documentation or alleged commitments or plans that he submitted in *Los Angeles County Metropolitan Transportation Authority - Abandonment Exemption - In Los Angeles County, CA*, STB Docket No. AB-409 (Sub-No. 5X) (STB served July 17, 2008) ("*LACMTA Decision*"). This submission would either lack definite traffic commitments and marketing, operating and financial plans altogether or submit

precedent to support NSR's requested OFA exemption in this proceeding.

incomplete and conditional or vague commitments or plans. The Board stated that an OFA exemption would have been granted in the *LACMTA Decision* had the agency not already granted a comprehensive exemption from the application of most provisions of ICCTA, including 49 U.S.C. §§ 10903 and 10904, to LACMTA. The Board should grant an exemption from the OFA provisions in this proceeding for the same reasons that the Board would have granted an exemption in the *LACMTA Decision*. The material facts and applicable law of the *LACMTA Decision* are indistinguishable from those in this proceeding as set forth in this petition. The Board stated in the *LACMTA Decision* in relevant part at *slip. op.* at 5-6:

Moreover, had the agency not already granted LACMTA an exemption from the OFA procedures, we would have done so here. The OFA provisions are intended to permit a party genuinely interested in providing continued rail service on a line that would otherwise be abandoned to acquire that line for continued rail service. Exemptions from 49 U.S.C. 10904 have been granted, however, when the record shows that a right-of-way is needed for a valid public purpose and there is no overriding public need for continued rail service. See *CSX Transportation, Inc.—Abandonment Exemption - In Pike County, KY*, STB Docket No. AB-55 (Sub-No. 653X) (STB served Sept. 13, 2004); *Southern Pacific Transportation Company - Discontinuance of Service Exemption - In Los Angeles County, CA*, Docket No. AB-12 (Sub-No. 172X) (ICC served Dec. 23, 1994) (exemption from OFA requirement granted where owner planned to use the rail corridor for mass transit purposes); *Iowa Northern Railway Company - Abandonment - In Blackhawk County, IA*, Docket No. AB-284 (Sub-No. 1X) (ICC served Apr. 1, 1988). For example, in *Norfolk and Western Railway Company - Abandonment Exemption - In Cincinnati, Hamilton County, OH*, STB Docket No. AB-290 (Sub-No. 184X) (STB served May 13, 1998) (*Hamilton County*), the Board granted a petition for exemption from the OFA process in the face of arguments by two potential shippers that there was an overriding public need for transportation service. But the Board, in *Hamilton County*, found the shippers' arguments unpersuasive when weighed against the reality that no traffic had moved on the line for the prior 11 years, and that the shippers had viable transportation alternatives available. In addition, the Board found a valid public purpose: the city of Cincinnati wished to use the right-of-way over the track being abandoned for multi-purpose improvements for the city's downtown area, including a new professional football stadium.

In the present case, a mass transit operation is not only a valid public purpose, but—as the ICC recognized in *Southern Pacific* 1992—an important one. *Southern Pacific* 1992, 8 I.C.C.2d at 509. It is clear from the record before us that LACMTA would use the property at issue to facilitate the growth of its transit system. n8 Furthermore, Riffin has not shown an overriding public need for rail service here. Just as in *Hamilton County*, traffic on the Line (and on the adjacent, long-abandoned segment) has been nonexistent for years, and any plans to restore freight service on the Line are speculative at best. Riffin has not provided a single verified statement from a potential shipper, or even a letter or any other tangible manifestation of intent to use the Line, and has only offered vague claims of discussions with area businesses. And, his notion that he might transload for the Port of Los Angeles is not supported by a meaningful business plan. Riffin does not even provide evidence of having contacted the Port, let alone evidence of its entertaining his transload idea. Consequently, we find that LACMTA's petition for exemption from the OFA requirements and public use requirements is well supported on this record and, had such an exemption been necessary here, it would have been granted.

See also Redmond-Issaquah R.R. Preserv. v. STB, 223 F.3d 1057 (9th Cir. 2000); *Union Pacific Railroad Company - Abandonment Exemption - In Lassen County, CA, and Washoe County, NV*, STB Docket No. AB-33 (Sub-No. 230X) (STB served September 19, 2008) (“However, the Board need not require the sale of a line under the OFA provisions if it determines that the offeror is not genuinely interested in, or capable of, providing rail service or that there is no likelihood of future traffic.” *slip op.* at 2); *Roaring Fork - Exem. - In Garfield, Eagle & Pitkin Counties, CO*, 4 S.T.B. 116, 119-20 (1999); *Burlington N./Santa Fe - Aban. - In King County, WA*, 3 S.T.B. 634, 638-39 (1998).

Riffin has become an intermeddler and vexatious litigant in many Board proceedings. Given this background, the Board must view any OFA submitted by him with great scrutiny. His motives in submitting an OFA may not include or may not primarily include providing future freight rail service over the Line. Regardless of his motives, any OFA for the stated purpose of providing future freight service over the Line would not have a realistic basis. There has been no freight

service over the Line for well over four years, former customers have committed to and agreed to use alternative transportation services, no other definite potential freight service customers have committed to or are likely to commit to use of rail service over the Line in volumes and at rates or revenues sufficient to operate the service profitably. Thus, there is no demand or need for future freight service over the Line. *See Union Pacific Railroad Company - Abandonment and Discontinuance of Trackage Rights Exemption - In Los Angeles County, CA; In the Matter of an Offer of Financial Assistance*, STB Docket No. AB-33 (Sub-No. 265X) (STB served May 7, 2008).²⁵

Riffin has submitted several OFAs or at least Notices of Intent to submit OFAs to the Board in the past, but has completed an OFA transaction only once. He has never transported a carload of freight in freight rail service for a third party for compensation over the line that he acquired and indeed has been unable to do so because of that line's state of disrepair. *See James Riffin - Petition for Declaratory Order*, STB Finance Docket No. 35245 (STB served September 15, 2009), petition for review filed November 12, 2009. In that decision, at *slip op.* at 4, the Board took note of Riffin's apparent motives for participation in OFA proceedings, as also expressed by the Board in a prior decision in an even earlier Board proceeding which Riffin initiated:

James Riffin d/b/a The Northern Central Railroad - Acquisition and Operation Exemption - In York County, PA, STB Finance Docket No. 34552, *slip op.* at 6 (STB served Feb. 23, 2005) (revoking authorization to acquire rail line because it

²⁵In the decision in the UP proceeding cited above, the Board stated at *slip op.* at 3:

".....whatever Riffin's motivation for considering the purchase of this rail property,[5] it is evident that it cannot be to provide rail service over this 0.08-mile segment alone.

"[5] Questions about Riffin's motives as an OFA offeror have been raised before the Board in the past. *See Norfolk Southern Railway Company - Abandonment Exemption - In Norfolk and Virginia Beach, VA*, STB Docket No. AB-290 (Sub-No. 293X) (STB served Nov. 6, 2007, Dec. 6, 2007)."

appeared that Riffin was "attempting to use the cover of Board authority allowing rail operations in Pennsylvania to shield seemingly independent operations and construction [at his purported MOW facility] in Maryland from legitimate processes of state law").²⁶

In previous Board proceedings, Riffin has concocted specious arguments on the number of OFA exemptions previously granted by the Board and has distorted the holdings of those proceedings into a theory that would probably preclude the issuance of any such exemptions in the future. There are enough STB and ICC decisions that have granted OFA exemptions, in addition to the agency decisions that rejected OFA notices of intent or formal Offers of Financial Assistance as deficient, for the standards under which the Board decides such petitions, on a case by case basis, to have been reasonably delineated. The most relevant are discussed above. A list of all the STB and ICC decisions that we could find that grant such petitions, including a few that involve partial grants or otherwise favorable language in a proceeding where the OFA process has ended or a request for information has become moot, is in Exhibit D.

²⁶ The records in past STB and court proceedings show that Riffin has failed to adhere to environmental laws and regulations and court orders with respect to his Cockeysville property for several years. He has used federal preemption under ICCTA because the property is allegedly a "railroad facility" as a continuing excuse. This continuing behavior as well as his continued intermeddling in Board proceedings affect his credibility and make his motives for submitting any OFA in this proceeding suspect. Riffin would be subject to a myriad of requirements and regulations in addition to temporal separation of operations to overnight hours if he actually were authorized to and attempted to provide any freight rail service over the Line. Based on this past record, the Board could justifiably question his ability to fulfill any common carrier obligation that he might acquire or to adhere to governmental or contractual requirements and regulations with respect to railroad operations with which he does not agree. While the Board need not rely upon these considerations alone in granting an exemption from the OFA provisions of 49 U.S.C. § 10904 in this proceeding or in the alternative in finding that an OFA submitted in this proceeding would not be submitted for the purpose of providing continued freight service over the Line, the Board should not completely ignore them.

These decisions show that Riffin's theory is too narrow and that an OFA exemption would be properly granted in this proceeding.

Conclusions. Under 49 U.S.C. § 10903, a rail line may not be abandoned without the Board's prior approval. Under 49 U.S.C. § 10502, however, the Board must exempt a transaction or service from regulation when the Board finds that: (1) continued regulation is not necessary to carry out the rail transportation policy of 49 U.S.C. § 10101; and (2) either (a) the transaction or service is of limited scope, or (b) regulation is not necessary to protect shippers from the abuse of market power.

This petition for exemption clearly shows that NSR has met the exemption criteria for the abandonment of the freight operating rights and freight service operations over the subject 13.26-mile Line between Milepost UU-1.0 in the City of Baltimore, MD and Milepost UU-15.44 in Cockeysville, MD in Baltimore County, MD. Indeed, the abandonment of the freight operating rights and operations over the subject Line qualifies for the out-of-service line abandonment exemption under the Board's regulations at 49 C.F.R. §1152.50. Nonetheless, NSR has filed a petition for exemption in this proceeding in order also to request exemption of the abandonment from the OFA provisions of 49 U.S.C. § 10904 and the public use condition provisions of 49 U.S.C. § 10905.

Detailed scrutiny of the abandonment of the freight operating rights and freight service operations over the subject Line under 49 U.S.C. § 10903 is not necessary to carry out the rail transportation policy. By minimizing the administrative expense of the application process, an exemption will reduce regulatory barriers to exit [49 U.S.C. § 10101(7)]. Moreover, this action will minimize the need for Federal regulatory control

over the rail system and expedite regulatory decisions [49 U.S.C. § 10101(2)]. For the same reasons cited above, regulation is not necessary to protect shippers from an abuse of market power. No freight traffic has moved over the Line since April 2005 and the lack of current traffic and lack of definite future traffic commitments on or with respect to freight service over the Line indicate there is no basis for concluding that profitable freight rail service over the Line can be restored, that public convenience and necessity require freight rail service over the Line or that abandonment of the rail freight operating rights and rail freight service operations over the Line would be necessary to carry out the rail transportation policy or protect shippers from an abuse of market power.

Requiring NSR to operate the Line for the minimal or non-existent future traffic that might materialize if the Line had to be open for future freight service would impose a substantial financial burden on NSR because operating costs and maintenance charges from MTA could not be covered by revenues from providing the service. An exemption, therefore, will promote adequate revenues, foster sound economic conditions, and encourage efficient management in the railroad industry [49 U.S.C. § 10101(3), (5), and (9)]. Other aspects of the rail transportation policy will not be affected adversely.

By abandonment of the freight operating rights and freight service operations over the subject Line, NSR will be able to use its personnel and assets more productively elsewhere on its rail system. MTA will be able to use the Line exclusively for passenger rail transit service. The exemptions requested in this proceeding and the resulting permanent removal of freight service operations from the Line will permit MTA

to operate its passenger rail transit service more efficiently, economically and safely and without the cost, including additional maintenance cost, inconvenience and risk of accommodating rail freight service by a small and untested operator over the Line.

Thus, continued NSR freight service operations over the Line would impose an economic burden on NSR, MTA and on interstate commerce. Any supposed prospect of new sources of traffic over the Line or the return of former customers to the use of rail freight service is too speculative in to justify a finding that future revenues are likely to exceed the cost of operating over the Line. This is especially true considering the former customers' agreements with MTA to use transportation alternatives and not to protest abandonment of freight service operating rights and operations over the Line as well as those customers' now long continued use of transportation alternatives. Thus, continued freight service operating rights and freight service operations over the Line are unwarranted.

Neither application of the full abandonment procedures nor regulation of the proposed transaction is necessary to protect shippers from the abuse of market power. No traffic has moved over the Line since April 2005. The three active railroad customers along the Line in April 2005 when MTA arranged for cessation of freight service over the Line with those customers have used and adapted to alternate freight transportation arrangements since that time. The Line is stub-ended, has had no overhead traffic since at least 1976 and has no prospect of attracting other definite rail traffic commitments sufficient to support a profitable rail freight operation. The area surrounding the Line is a large metropolitan area which is served by numerous motor carriers and intermodal transportation service providers, including NSR. A parallel state

highway, a parallel interstate highway, an interstate highway network in the vicinity, the NSR Baltimore, MD Thoroughbred Bulk Transfer Terminal (formerly the Conrail "Flexi-Flo" bulk terminal facility) and intermodal facilities are located along or near the Line. . In the absence of rail traffic over the Line for well over four years and with the existence of numerous other transportation options in the Baltimore area, abandonment of NSR's freight service operating rights and freight service operations on the subject Line will not have an adverse impact on rural and community development.

By making the market power finding in this case, the Board need not determine whether the proposed transaction is limited in scope. However, based on numerous precedents, NSR believes that its abandonment of its freight service operating rights and freight service operations over an unused 13.26-mile dead-end branch line which must be shared with a heavily used passenger rail transit operation if freight service on the Line were reactivated also should be found to be limited in scope.

NSR will serve copies of the Board's decision on the three former railroad customers along the Line if the Board believes it is necessary and proper for NSR to do so under the circumstances.

Under 49 U.S.C. § 10502(g), the Board may not use its exemption authority to relieve a carrier of its statutory obligation to protect the interests of its employees. Accordingly, as a condition to granting the exemption, NSR will accept the imposition of the employee protective conditions set forth in *Oregon Short Line R. Co. – Abandonment – Goshen*, 360 I.C.C. 91 (1979).

There has been no traffic on the Line since April 2005; MTA owns the right-of-way real estate and material assets comprising the Line; MTA will continue to operate

passenger rail transit service over most of the Line and to devote the entire CIT to public purposes; NSR will not engage in salvage activities; the Maryland SHPO has found that the abandonment of NSR's freight service operating rights and freight service operations over the Line will not adversely affect historic properties or resources; and, no agency has recommended the imposition of environmental conditions on NSR's abandonment of its freight service operating rights and freight service operations on the Line. Therefore, NSR requests that no environmental or historic preservation process conditions be imposed on consummation of the abandonment of the Line. The proposed abandonment of freight service operating rights and freight service operations on the Line, if implemented will not significantly affect either the quality of the human environment or the conservation of energy resources.

This abandonment of freight service operating rights and freight service operations on the Line is also appropriate for exemption from the provisions of 49 U.S.C. § 10904 (offer of financial assistance procedures) and 49 U.S.C. § 10905 (public use conditions) because of the ownership of the Line by MDOT and because MTA uses the Line for passenger rail transit operations and the evidence shows there is no continuing need for rail freight service over the Line.

Conclusion

Therefore, Norfolk Southern Railway Company respectfully petitions the Board under 49 U.S.C. § 10502, to exempt the abandonment of the NSR's freight service operating rights and freight service operations over the subject Line, an approximately 13.26-mile segment of the Cockeysville Industrial Track ("CIT"), between Milepost UU-1.0 in the City of Baltimore, MD and Milepost UU-15.4 at Cockeysville, MD in Baltimore

County, MD, from the prior approval requirements and the provisions of 49 U.S.C. § 10903 and from the provisions of 49 U.S.C. § 10904 (offer of financial assistance procedures) and the provisions of 49 U.S.C. § 10905 (public use conditions).

Respectfully submitted

NORFOLK SOUTHERN RAILWAY COMPANY

BY 

John H. Friedmann
Vice President - Strategic Planning

Dated: December 15, 2009

Of Counsel:


James R. Paschall
Senior General Attorney
Norfolk Southern Railway Company
Three Commercial Place
Norfolk, VA 23510

(757) 629-2759
Fax (757) 533-4872

Commonwealth of Virginia)
) ss
City of Norfolk)


John H. Friedmann

Princess Angela Moore
Notary Public

 **Melissa Ann McGibben Moore**
Commonwealth of Virginia
Notary Public
Commission No. 7218023
My Commission Expires 11/30/2012

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CERTIFICATE OF SERVICE

I certify that the foregoing petition in STB Docket No. AB-290 (Sub-No. 311X) has been served on E.C.C.A. Calcium Products, Inc. d/b/a IMERYS Pigments and Additives Group; Baltimore Gas & Electric Company; Fleischmann's Vinegar Company, Inc.; Charles A. Spitulnik; Richard Johnson, Maryland Department of Transportation; the Surface Deployment and Distribution Command Transportation Engineering Agency (SDDCTEA), Railroads for National Defense Program; U. S. Department of the Interior - National Park Service, Recreation Resources Assistance Division; and U. S. Department of Agriculture, Chief of the Forest Service on December 15, 2009, by first class mail, postage prepaid.



James R. Paschall

Dated: December 15, 2009

Federal Register: _____, 2009 (Volume 74, Number ____)]
[Notices]
[Page ____]

DEPARTMENT OF TRANSPORTATION

**Surface Transportation Board
STB Docket No. AB-290 (Sub-No. 311X)**

Norfolk Southern Railway Company - Petition for Exemption – Abandonment of Freight Operating Rights and of Rail Freight Service – Between Baltimore, MD and Cockeysville, MD in the City of Baltimore and Baltimore County, MD

On December 16, 2009, Norfolk Southern Railway Company (NSR), filed with the Surface Transportation Board (Board) a petition under 49 U.S.C. 10502 for exemption from the provisions of 49 U.S.C. 10903, to abandon freight operating rights and operations over an approximately 13.26-mile line of railroad, extending between Milepost UU-1.0 and Milepost UU-15.4 at Cockeysville, MD (the Line) in the City of Baltimore, Maryland and in Baltimore County, Maryland. Previous movement and adjustment of milepost 0.0, but not of Milepost UU-15.4, and rounding, has resulted in shortening the distance between the remaining mileposts on the Line from the distances that result from subtraction of one milepost number from the other. The Line traverses United States Postal Service Zip Codes 21030, 21094, 21139, 21204, 21209, 21210, 21211, 21212 and 21217 and serves the stations of Lutherville, MD, Timonium, MD, Texas, MD and Cockeysville, MD. The southern portion of the Line is governed by the station of Baltimore. NSR will continue to provide rail freight service to the station of Baltimore, MD and to the NS Baltimore, MD Thoroughbred Bulk Transfer Terminal (formerly the Conrail "Flexi-Flo" bulk terminal facility), which is located along the

adjacent line segment between Milepost UU-0.0 and Milepost UU-1.0 over which NSR will continue to operate.

In addition to an exemption from 49 U.S.C. 10903, petitioner seeks exemption from 49 U.S.C. 10904 (offer of financial assistance procedures) and 49 U.S.C. 10905 (public use conditions). In support, NSR states that the Line is owned by the Maryland Department of Transportation (MDOT) and that the Maryland Transit Administration (MTA) conducts and will continue to conduct passenger rail transit operations over the Line, a public use.

The Line does not contain federally granted rights-of-way. Any documentation in NSR's possession will be made available promptly to those requesting it.

The interest of railroad employees will be protected by the conditions set forth in *Oregon Short Line R. Co.--Abandonment--Goshen*, 360 I.C.C. 91 (1979).

By issuance of this notice, the Board is instituting an exemption proceeding pursuant to 49 U.S.C. 10502(b). A final decision will be issued by _____, 2010. Any offer of financial assistance (OFA) under 49 C.F.R. 1152.27(b)(2) will be due no later than 10 days after service of a decision granting the petition for exemption. Each offer must be accompanied by a \$1,500.00 filing fee. See 49 C.F.R. 1002.2(f)(25).

Any OFA may be affected by the Board's decision on NSR's petition for exemption from the provisions of 49 U.S.C. 10904. The OFA process is designed for the purpose of providing continued rail service. The Board need not require the sale of a line under the OFA provisions if it determines that the offeror is not genuinely interested in providing rail service or that there is no likelihood of future traffic. Here, where the abandoning carrier seeks an exemption from the provisions of section 10904, where

there has been no service on the line for at least 2 years, and where the property is used for a public purpose, any person who wishes to oppose the request for an exemption from the OFA provisions or who intends to file an OFA should address and provide evidence on: whether there is a demonstrable commercial need for rail service, as manifested by support from shippers or receivers on the line being abandoned or as manifested by other evidence of immediate and significant commercial need; how this line will be returned to a viable common carrier freight operating line; whether there is community support for continued rail service; whether acquisition of freight operating rights would interfere with current and planned transit services; whether continued rail service is operationally feasible, including where and how interchange of freight traffic with NSR would be accomplished.

Any request for a public use condition under 49 C.F.R. 1152.28 or for trail use/rail banking under 49 C.F.R. 1152.29 will be due no later than _____, 20____. Each trail use request must be accompanied by a \$250.00 filing fee. See 49 C.F.R. 1002.2(f)(27). Any public use condition request may be affected by the Board's decision on NSR's petition for exemption from the provisions of 49 U.S.C. 10905. NSR has stated that it will not negotiate with any party for an agreement for interim trail use of the right-of-way since the right-of-way is owned by MDOT and will continue to be used for MTA's passenger rail transit operations.

All filings in response to this notice must refer to STB Docket No. AB-290 (Sub-No. 311X) and must be sent to: (1) Chief, Section of Administration, Office of Proceedings, Surface Transportation Board, 395 E Street, SW, Washington, DC 20423-0001, and (2) James R. Paschall, Norfolk Southern Railway Company, Three

Commercial Place, Norfolk, VA 23510.

Replies to the NSR petition are due on or before _____, 20__.

Persons seeking further information concerning abandonment procedures may contact the Board's Office of Public Services at (202) 565-1592 or refer to the full abandonment or discontinuance regulations at 49 C.F.R. part 1152. Questions concerning environmental issues may be directed to the Board's Section of Environmental Analysis (SEA) at (202) 565-1545. [TDD for the hearing impaired is available at 1-800-877-8339.]

An environmental assessment (EA) (or environmental impact statement (EIS), if necessary) prepared by SEA will be served upon all parties of record and upon any agencies or other persons who commented during its preparation. Other interested persons may contact SEA to obtain a copy of the EA (or EIS). EAs in these abandonment proceedings normally will be made available within 60 days of the filing of the petition. The deadline for submission of comments on the EA will generally be within 30 days of its service.

Board decisions and notices are available on our website at www.stb.dot.gov

Decided: _____, 2009.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

[FR Doc. _____ Filed _____]

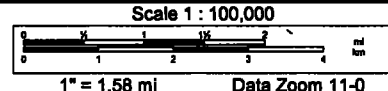
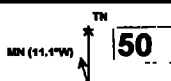
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VOLUME I (Parts I and II)

United States Railway Association

FINAL SYSTEM PLAN

for restructuring

Railroads in the Northeast and Midwest Region

pursuant to the

REGIONAL RAIL REORGANIZATION ACT OF 1973

JULY 26, 1975

INTERESTS DESIGNATED TO COUNCIL

LINE CODE	FROM STATION	TO STATION	MP	MP	BRANCH NAME	INTERESTS
8243	212 WEST	CLARKS ST	0.0	1.3	DET TRANSIT BR	LINE TO CBC
8249	DET (DET TC BR)	ALLEN BRIST	0.0	1.1	DECS BR	LINE TO CBC
8250	DET (TOLEDO BR)	DETROIT	0.0	0.0	DELTA SPUR	LINE TO CBC
8251	DET (TOLEDO BR)	DETROIT	0.0	2.0	EXPOSITION SPUR	LINE TO CBC
8254	DET (TOLEDO BR)	DETROIT TO	0.0	3.0	HAIRY TR	LINE TO CBC
8254	1010 LINE	DETROIT	7.0	75.0	HAIRY LINE	LINE TO CBC
8304	JACKSON	KALAMAZOO	75.6	143.1	HAIRY LINE	LINE TO CBC
8304	KALAMAZOO	ASTOR BRIDGE	143.1	145.0	HAIRY LINE	LINE TO CBC
8304	KONAGIAC	ELLS	178.6	191.7	HAIRY LINE	LINE TO CBC
8304	SICHUAN CITY	FORTER "FO"	226.5	240.7	HAIRY LINE	LINE TO CBC
8321	ELLS	THREE RIVERS	4.7	68.2	ELLS BR	LINE TO CBC
8327	JACKSON	NORTH LANSING	0.0	40.0	SAGINAW BR	LINE TO CBC
8340	ELLS JCT	KATON RIVERS	10.6	24.5	GRAND RIVERS BR	LINE TO CBC
8340	BOVEN	GRAND RIVERS	88.1	94.9	GRAND RIVERS BR	LINE TO CBC
8343	KALAMAZOO	DOUGLAS ST	0.3	1.8	SCOTT RIVERS BR	LINE TO CBC
8346	WILLS	PAPER HILL SPUR	0.5	3.0	SCOTT RIVERS BR	LINE TO CBC
8346	PAPER HILL SPUR	11/18 ST LINE	3.0	6.0	SCOTT RIVERS BR	LINE TO CBC
8346	11/18 ST LINE	WILLS	6.0	7.3	SCOTT RIVERS BR	LINE TO CBC
8346	WILLS	SOUTH BIRD	7.3	12.0	SCOTT RIVERS BR	LINE TO CBC
8346	PAPER HILL	WILLS	0.0	0.3	SCOTT RIVERS BR	LINE TO CBC
TRANSFEROR: NEW YORK & HARBOR R. R. CO.						
4131	CHATHAM	CHATHAM	126.3	127.5	HARBOR LINE	LINE TO CBC
4215	ELLS	PORT HARBOR	0.0	1.3	HARBOR LINE	LINE TO CBC
9131	BOVEN FIELDS	HARBOR	76.6	81.6	HARBOR LINE	LINE TO CBC
TRANSFEROR: NEW YORK CONNECTING R. R. CO.						
4219	FRANCIS	OAK	11.2	19.3	HARBOR LINE	LINE TO CBC
4219	CAT	FRANCIS	19.3	25.0	HARBOR LINE	LINE TO CBC
TRANSFEROR: SOUTHERN CENTRAL RY. CO.						
1224	CALVERT	COCKEYSVILLE	0.0	15.4	NEW CENT (DET BR)	LINE TO CBC
1224	WILLS	YORK	54.5	57.2	SOUTHERN CENT BR	LINE TO CBC
1225	WAGO JCT	IRVING	68.7	83.2	YORK HARBOR LINE	LINE TO CBC
1225	LEBOYER	DET	82.2	85.0	YORK HARBOR LINE	LINE TO CBC/TO TO OTHERS
1225	ELLS	HARBOR	85.0	90.4	YORK HARBOR LINE	LINE TO CBC/TO TO OTHERS
1225	WILLS	HARBORVILLE	90.4	90.4	WILLS BR (IN TO)	LINE TO CBC/TO TO OTHERS
TRANSFEROR: SOUTHERN CENTRAL RY. CO.						
2310	ROBERTS	ROBERTS	0.0	3.2	WATKINS GLEN SEC	LINE TO CBC
2310	ROBERTS FALLS	FALLS	14.2	15.1	WATKINS GLEN SEC	LINE TO CBC
2310	FALLS	WATKINS GLEN	15.1	17.4	WATKINS GLEN SEC	LINE TO CBC
2310	WATKINS GLEN	STARKY	17.4	29.3	WATKINS GLEN SEC	LINE TO CBC
2310	STARKY	STARKY JCT	29.3	32.0	WATKINS GLEN SEC	LINE TO CBC
2310	STARKY JCT	STARKY	32.0	40.0	STARKY HARBOR SEC	LINE TO CBC
2310	STARKY	STARKY	40.0	40.0	STARKY HARBOR SEC	LINE TO CBC
2310	STARKY	STARKY	40.0	46.3	STARKY HARBOR SEC	LINE TO CBC
4225	STARKY	STARKY	46.3	10.0	STARKY HARBOR SEC	LINE TO CBC
TRANSFEROR: SOUTHERN CENTRAL RY. CO.						
1314	STARKY	STARKY	93.4	138.7	MAIN LINE	LINE TO CBC/TO TO OTHERS
TRANSFEROR: NORRICH & WORCESTER R. R. CO.						
4227	STARKY	PLAINFIELD	0.0	20.0	STARKY BR	LINE TO CBC
4227	PLAINFIELD	STARKY	20.0	25.0	STARKY BR	LINE TO CBC
4227	STARKY	STARKY	25.0	42.0	STARKY BR	LINE TO CBC
4227	STARKY	STARKY	42.0	45.0	STARKY BR	LINE TO CBC
TRANSFEROR: PENNA. TUNNEL & TERMINAL R. R. CO.						
4219	STARKY	PARKVILLE	0.0	3.4	STARKY HARBOR SEC	LINE TO CBC
4219	PARKVILLE	STARKY	3.4	4.6	STARKY HARBOR SEC	LINE TO CBC
4219	STARKY	STARKY	4.6	11.3	STARKY HARBOR SEC	LINE TO CBC
TRANSFEROR: FLORIDA & EASTERN RY. CO.						
8561	INDIANAPOLIS TO	BRANDT	1.1	3.2	FLORIDA BRANCH	LINE TO CBC
8561	BRANDT	STARKY	3.2	6.2	STARKY HARBOR SEC	LINE TO CBC
8561	STARKY	11/18 ST LINE	9.2	79.9	FLORIDA & EASTERN	LINE TO CBC
8561	11/18 ST LINE	WALK	79.9	82.0	FLORIDA & EASTERN	LINE TO CBC
8561	WALK	CORY, 111	82.0	84.0	FLORIDA & EASTERN	LINE TO CBC
8561	CORY, 111	STARKY	84.0	86.0	FLORIDA & EASTERN	LINE TO CBC
8561	STARKY	STARKY	86.0	201.0	FLORIDA & EASTERN	LINE TO CBC
8561	STARKY	STARKY	201.0	202.5	FLORIDA & EASTERN	LINE TO CBC
TRANSFEROR: PHILA., BALTO. & HARB. R. R. CO.						
1130	ARSENAL	WEST CHESTER	2.1	27.0	WEST CHESTER BR	LINE TO CBC
1140	ARSENAL	WILLS	2.0	4.6	WEST PHILA LINE	LINE TO CBC
1145	WILLS	PORT HARBOR	0.0	4.1	WILLS BR	LINE TO CBC
1145	PORT HARBOR	WILLS	0.0	4.3	WILLS BR	LINE TO CBC
1150	ARSENAL	WILLS	0.0	1.0	WASHINGTON AVE BR	LINE TO CBC

CBC TO ACQUIRE PCTC'S LEASEHOLD INTERESTS

OFFICIAL RAILROAD STATION LIST

ISSUED
MARCH 1, 1996

EFFECTIVE
MARCH 15, 1996

Except as otherwise provided herein.

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CONSOLIDATED RAIL CORPORATION (CR - 190) CONTINUED					CONSOLIDATED RAIL CORPORATION (CR - 190) CONTINUED					CONSOLIDATED RAIL CORPORATION (CR - 190) CONTINUED				
PSAC	OPSL	TYPE	STATION		PSAC	OPSL	TYPE	STATION		PSAC	OPSL	TYPE	STATION	
1161	1161	.....	*Marletta.....	PA	2219	2219	CONNECTS AT NO 70800			3062	3062	.....	*Conowingo.....	MD
1165	1165	.....	*Bilmar.....	PA	2219	2219	.....	*Ivy Rock.....	PA	3072	3072	.....	*Baltimore.....	PA
		CONNECTS AT NO 71195								3078	3078	.....	*Safe Harbor.....	PA
		CONNECTS AT NO 71169			2222	2222	.....	*Earnest Auto Ramp...PA				CONNECTS AT NO 71156		
1171	1171	.....	*Salunga.....	PA			CONNECTS AT NO 72229					CONNECTS AT NO 3054		
1173	1173	.....	*Mt Joy.....	PA	2230	2230	.....	*Fort Providence.....PA		3085	3085	.....	*Savre de Grace.....MD	
1174	1174	.....	*Florin.....	PA	2233	2233	.....	*Pickering.....	PA	3088	3088	.....	*Aberdeen.....	MD
1175	1175	.....	*Rheems.....	PA			CONNECTS AT NO 40165			3091	3091	.....	*Perryman.....	MD
1176	1176	.....	*Elizabethtown.....PA				CONNECTS AT NO 40165			3094	3094	.....	*Edgewood.....	MD
		CONNECTS AT NO 71195			2239	2239	.....	*Devault.....	PA	3098	3098	.....	*Chase.....	MD
1177	1177	.....	*Conowingo.....	PA			CONNECTS AT NO 72654			3100	3100	.....	*Middle River.....	MD
1196	1196	.....	*Highspire.....	PA			CONNECTS AT NO 72654					CONNECTS AT NO 3202		
		CONNECTS AT NO 71204			2482	2482	.....	*Bellevue.....	PA			CONNECTS AT NO 70800		
1205	1205	.....	*Harrisburg Trailvan..PA				CONNECTS AT NO 2484			3121	3121	.....	*Lansdowne.....	PA
1251	1251	.....	*Bowling.....	PA			CONNECTS AT NO 2482			3124	3124	.....	*Primos.....	PA
1255	1255	.....	*Mechanicsburg.....PA		2484	2484	.....	*Clifford.....	PA	3126	3126	.....	*Morton.....	PA
1268	1268	.....	*New Kingston.....	PA	2485	2485	.....	*Kremer.....	PA	3130	3130	.....	*Media.....	PA
1269	1269	.....	*Middletown.....	PA			CONNECTS AT NO 71273					CONNECTS AT NO 3101		
		CONNECTS AT NO 71273			2500	2500	.....	*Haitland.....	PA	3202	3202	.....	*Baltimore Bay View..MD	
		CONNECTS AT NO 74741					CONNECTS AT NO 1428			3203	3203	.....	*Baltimore Trailvan..MD	
1300	1300	.....	*Chambersburg.....	PA			CONNECTS AT NO 71204			3204	3204	.....	*Baltimore Piers.....MD	
1303	1303	.....	*Marion.....	PA	2607	2607	.....	*Salifax.....	PA			CONNECTS AT NO 72239		
1324	1324	.....	*Greencastle.....	PA	2622	2622	.....	*Millersburg.....	PA			CONNECTS AT NO 3284		
1327	1327	.....	*Hagerstown.....	MD	2627	2627	.....	*Daleville.....	PA	3223	3223	.....	*Baltimore Dundalk	
1328	1328	.....	*Hagerstown.....	MD	2629	2629	.....	*Berndt.....	PA			.....	*Marine Term.....	MD
1329	1329	.....	*Hagerstown Trailvan..MD				CONNECTS AT NO 71264			3228	3228	.....	*Back River.....	MD
1332	1332	.....	*Williamsport.....	MD			CONNECTS AT NO 72705			3230	3230	.....	*Baltimore	
		CONNECTS AT NO 1324			2707	2707	.....	*Watsonville.....	PA			.....	*Consolidation Coal T	
1404	1404	.....	*Duncannon.....	PA			CONNECTS AT NO 72735			3232	3232	.....	*Sparrows Point.....MD	
1411	1411	.....	*Newport.....	PA			CONNECTS AT NO 2707			3243	3243	.....	*Baltimore Terminal..MD	
1415	1415	.....	*Thompsonville.....PA		2712	2712	.....	*Turbotville.....	PA	3268	3268	.....	*Baltimore Flexi Flo..MD	
1421	1421	.....	*Harrisburg.....	PA	2713	2713	.....	*Schuylar.....	PA			CONNECTS AT NO 72239		
1428	1428	.....	*Lewisburg.....	PA	2714	2714	.....	*Ottawa.....	PA	3290	3290	.....	*Arbutus.....	MD
		CONNECTS AT NOS 1437 AND 1468			2716	2716	.....	*Strawberry Ridge...PA		3291	3291	.....	*Haltersville.....	MD
		CONNECTS AT NO 1428					CONNECTS AT NO 2707					CONNECTS AT NO 3295		
1437	1437	.....	*Burnham.....	PA	2741	2741	.....	*South Williamsport..PA				CONNECTS AT NO 3291		
		CONNECTS AT NO 1428			2758	2758	.....	*Newberry.....	PA	3295	3295	.....	*Barman.....	MD
1468	1468	.....	*McVeytown.....	PA	2765	2765	.....	*McElhattan.....	PA	3298	3298	.....	*Odenton.....	MD
1475	1475	.....	*Mt Union.....	PA			CONNECTS AT NO 72769			3305	3305	.....	*Bowie.....	MD
1478	1478	.....	*Mapleton.....	PA			CONNECTS AT NO 72769					CONNECTS AT NO 3334		
1484	1484	.....	*Burlington.....	PA	2789	2789	.....	*Rendev.....	PA			CONNECTS AT NO 3305		
1529	1529	.....	*Union Furnace.....	PA			CONNECTS AT NO 4806			3311	3311	.....	*Marlboro.....	MD
		CONNECTS AT NO 1703					CONNECTS BETWEEN NOS 10728 AND 10733			3319	3319	.....	*Brandywine.....	MD
1541	1541	.....	*Tipton.....	PA	2903	2903	.....	*Seneca Lake.....	NY	3320	3320	.....	*Harbert.....	MD
1557	1557	.....	*Altoona.....	PA			CONNECTS BETWEEN NOS 10728 AND 10733			3324	3324	.....	*Waldorf.....	MD
1577	1577	.....	*Holidaysburg.....	PA	2906	2906	.....	*Penn Yan.....	NY	3325	3325	.....	*Indian Head Jct.....MD	
		CONNECTS AT NO 1529			2909	2909	.....	*Bellona.....	NY	3327	3327	.....	*La Plata.....	MD
1703	1703	.....	*Tyone.....	PA			CONNECTS AT NO 70800			3331	3331	.....	*Woodell.....	MD
		CONNECTS AT NO 1541					CONNECTS AT NO 70800					CONNECTS AT NO 3305		
1782	1782	.....	*Oscarville Mills.....PA		2960	2960	.....	*Crum Lynne.....	PA	3334	3334	.....	*Seabrook.....	MD
		CONNECTS AT NO 72769			2972	2972	.....	*Chester Tilghman St..PA		3337	3337	.....	*Landover.....	MD
		CONNECTS AT NO 1782			2984	2984	.....	*Marcus Hook.....	PA			CONNECTS AT NO 3337		
1845	1845	.....	*Phillipsburg.....	PA	2988	2988	.....	*Claymont.....	DE	3341	3341	.....	*Ivy City Term Track..DC	
1868	1868	.....	*Woodland.....	PA	2989	2989	.....	*North Claymont.....DE				CONNECTS AT NO 3348		
		CONNECTS AT NO 71878					CONNECTS AT NO 73008					CONNECTS AT NO 3337		
		CONNECTS AT NO 71878			2997	2997	.....	*Edge Moor.....	DE	3342	3342	.....	*Banning.....	DC
1886	1886	.....	*Curwensville.....	PA	3012	3012	.....	*Newport.....	DE			CONNECTS AT NO 3359		
		CONNECTS AT NO 1886			3013	3013	.....	*Stanton.....	DE			CONNECTS AT NO 3341		
1988	1988	.....	*McGehee.....	PA			CONNECTS AT NO 3043			3345	3345	.....	*U S Naval Gun Factory	
		CONNECTS AT NO 4008					CONNECTS AT NO 3511					.....	*Washington.....	DC
2137	2137	.....	*Cherry Tree.....	PA	3040	3040	.....	*Midatlantic Auto Ramp		3346	3346	.....	*Union Market Yard...DC	
		CONNECTS AT NO 4008			3041	3041	.....	*Reynold.....	DE	3348	3348	.....	
2176	2176	.....	*Ebensburg.....	PA			CONNECTS AT NO 3013					CONNECTS AT NO 3341		
		CONNECTS AT NO 4008			3043	3043	.....	*Newark.....	DE	3359	3359	.....	*Reles.....	VA
2197	2197	.....	*Josephine.....	PA	3044	3044	.....	*Iron Hill.....	MD	3362	3362	.....	*Potomac Yard.....	VA
		CONNECTS AT NO 4605			3045	3045	.....	*Elkton.....	MD			CONNECTS AT NO 72239		
		CONNECTS AT NO 72217			3054	3054	.....	*Perryville.....	MD	3380	3380	.....	*Luthersville.....	MD
2215	2215	.....	*Migon.....	PA			CONNECTS AT NO 3085			3381	3381	.....	*Timonium.....	MD
		CONNECTS AT NO 3054					CONNECTS AT NO 3054			3383	3383	.....	*Towson.....	MD
		CONNECTS AT NO 3054			3058	3058	.....	*Port Deposit.....	MD	3384	3384	.....	*Cockeysville.....	MD
		CONNECTS AT NO 3054					CONNECTS AT NO 3054			3417	3417	.....	*York.....	PA

SEE LAST PAGE FOR EXPLANATION OF REFERENCE MARKS.

MAINE

ALPHABETICAL - FREIGHT

MARYLAND

STATION	COUNTY	RULE 260	RR	OPSL	FEAC	SPIC	NATIONAL RATE BASIS	EFFECTIVE DATE	RATE '91P
*Wallgrass (1-386-3100).....	[Arroostook]	.....	BAR	310	11353	111353	Caribou, ME.....	04/02/1993	04767
Warren (1-3100).....	[Knox]	.....	MC	1074	1074	117555	Waldoboro, ME.....	06/09/1994	04854
Washburn (1-386-3100).....	[Arroostook]	.....	BAR	945	11371	111371	Caribou, ME.....	04/02/1993	04786
Waterville (1-3314).....	[Kennebec]	.....	ST	1371	294	110040	Waterville, ME.....	03/15/1996	04901
*Weeksboro (1-386-3100).....	[Arroostook]	.....	BAR	225	11845	111845	Boulton, ME.....	04/02/1993	04780
*Wells Beach (1-3314).....	[York]	.....	ST	428	723	119739	Rochester, ME.....	03/15/1996	04890
*West Saboda (1-386-3100).....	[Piscataquis]	.....	BAR	130	24740	114740	Searsport, ME.....	04/02/1993	04462
*Westbrook Cumberland Mills (1-3314).....	[Cumberland]	.....	ST	586	130	118320	Portland, ME.....	03/15/1996	04692
*Williams (1-386-3100).....	[Arroostook]	.....	BAR	1107	11329	111329	Caribou, ME.....	04/02/1993	04736
*Winn (1-3314).....	[Penobscot]	.....	ST	1626	312	113351	Wytopitlock, ME.....	03/15/1996	04495
*Winslow (1-3314).....	[Kennebec]	.....	ST	1366	313	110085	Waterville, ME.....	03/15/1996	04901
Winslow Mills (1-3100).....	[Lincoln]	.....	MC	1056	1066	118637	Waldoboro, ME.....	06/09/1994	04572
*Winterport (1-386-3100).....	[Waldo]	.....	BAR	45	17131	117111	Searsport, ME.....	04/02/1993	04486
*Winterville (1-386-3100).....	[Arroostook]	.....	BAR	300	11097	111097	Caribou, ME.....	04/02/1993	04788
*Winthrop (1-3314).....	[Kennebec]	.....	ST	1431	315	116275	Lewiston, ME.....	03/15/1996	04264
Wisconsin (1-3100).....	[Lincoln]	.....	MC	1049	1049	118715	Waldoboro, ME.....	06/09/1994	04578
Woodard (1-3100).....	[Penobscot]	.....	CDAC	1316	1316	113329	Wytopitlock, ME.....	06/16/1995	04458
Woodford (1-22-3314).....	[Cumberland]	.....	ST	596	791	119368	Portland, ME.....	03/15/1996	04694
Woodland (1-3100).....	[Washington]	.....	CDAC	1498	1498	112226	Calais, ME.....	06/16/1995	04694
Woodland (1-3314).....	[Washington]	.....	ST	1681	318	112226	Calais, ME.....	03/15/1996	04694
*Wrightville (1-386-3100).....	[Arroostook]	.....	BAR	270	11387	111387	Boulton, ME.....	04/02/1993	04775
*Wytopitlock (1-3100).....	[Arroostook]	.....	CDAC	1304	1304	111971	Wytopitlock, ME.....	06/16/1995	04497
*Wytopitlock (1-3314).....	[Arroostook]	.....	ST	1641	321	113171	Wytopitlock, ME.....	03/15/1996	04497
Y									
*Yarmouth (1).....	[Cumberland]	.....	CN	26124	26124	119246	Portland, ME.....	10/07/1995	04096
Yarmouth (1-3118).....	[Cumberland]	.....	SLR	510	510	119246	Portland, ME.....	05/09/1994	04096
Yarmouth Jct (26-5500).....	[Cumberland]	YARJC	CN	26130	26130	119246	Portland, ME.....	10/07/1995	04096
Yarmouth Jct (1-3118).....	[Cumberland]	.....	SLR	515	515	119246	Portland, ME.....	05/09/1994	04096
*Yarmouth Jct (1-3314-5500).....	[Cumberland]	YARJC	ST	1341	322	119246	Portland, ME.....	03/15/1996	04096
MARYLAND									
A									
*Aberdeen (1-22-41-3704).....	[Harford]	.....	CR	3088	3088	231472	Havre de Grace, MD.....	03/15/1996	21001
*Aberdeen (1-3489).....	[Harford]	.....	CSXT	30510	70073	231472	Havre de Grace, MD.....	03/15/1996	21001
*Aldin (1-3489).....	[Cecil]	.....	CSXT	30490	70069	231193	Havre de Grace, MD.....	03/15/1996	21903
*Alexandria Jct (5).....	[Prince Georges]	.....	CSXT	30965	70881	237741	Washington, DC.....	03/15/1996	20781
*Amundale (1-3489).....	[Prince Georges]	.....	CSXT	30935	70872	237712	Washington, DC.....	03/15/1996	20705
*Annapolis Jct (1-3489).....	[Howard]	.....	CSXT	30693	70863	236381	Baltimore, MD.....	03/15/1996	20701
*Antietam.....	[Washington]	.....	NS	1210	7694	233552	Hagerstown, MD.....	03/15/1996	21782
*Appliance Park East (1-22-3489).....	[Howard]	.....	CSXT	30897	70160	235367	Baltimore, MD.....	03/15/1996	21045
*Arbutus (1-22-41-3704).....	[Baltimore]	.....	CR	3290	3290	232380	Baltimore, MD.....	03/15/1996	21233
*Arcadia (1-3489).....	[Baltimore]	.....	CSXT	55610	76146	232162	New Freedom, PA.....	03/15/1996	21155
*Antwary Park.....	[Montgomery]	.....	CSXT	31167	70822	237392	Washington, DC.....	03/15/1996	20850
B									
*Bank River (1-22-41-3704).....	[Baltimore]	.....	CR	3228	3228	232364	Baltimore, MD.....	03/15/1996	21221
*Baltimore (1-19-22-41-77-434-3704-5500).....	[IC Baltimore]	BALCO	CR	77239	77239	234000	Baltimore, MD.....	03/15/1996	21233
*Baltimore (1-3489-5500).....	[IC Baltimore]	BALCO	CSXT	30710	70121	234000	Baltimore, MD.....	03/15/1996	21233
*Baltimore (1-3100).....	[IC Baltimore]	.....	CTH	5	5	234112	Baltimore, MD.....	04/02/1993	21233
*Baltimore Arlington (1-3489).....	[IC Baltimore]	.....	CSXT	55115	76022	234001	Baltimore, MD.....	03/15/1996	21215
*Baltimore Arlington Rate Ave (1-3489).....	[IC Baltimore]	.....	CSXT	55110	76021	234065	Baltimore, MD.....	03/15/1996	21215
*Baltimore Bay View (1-22-41-3704-5500).....	[IC Baltimore]	BALBV	CR	3202	3202	234004	Baltimore, MD.....	03/15/1996	21233
*Baltimore City Block (1-3489).....	[IC Baltimore]	.....	CSXT	55025	76001	234052	Baltimore, MD.....	03/15/1996	21201
*Baltimore Consol Coal Term (1-22-3489).....	[Baltimore]	.....	CSXT	30628	70098	232432	Baltimore, MD.....	03/15/1996	21221
*Baltimore Consolidation Coal T (1-22-41-3704).....	[IC Baltimore]	.....	CR	3230	3230	234033	Baltimore, MD.....	03/15/1996	21233
*Baltimore Dundalk Marine Term (1-22-41-3704).....	[IC Baltimore]	.....	CR	3223	3223	234113	Baltimore, MD.....	03/15/1996	21233
*Baltimore Flexi Flo (1-41-150-3704).....	[IC Baltimore]	.....	CR	3268	3268	234086	No Rate Basis.....	03/15/1996	21200
*Baltimore Gay St (1-3489).....	[IC Baltimore]	.....	CSXT	30715	70113	234019	Baltimore, MD.....	03/15/1996	21233
*Baltimore Harford Rd (1-3489).....	[IC Baltimore]	.....	CSXT	30740	70114	234023	Baltimore, MD.....	03/15/1996	21233
*Baltimore Jacksons Wharf (1-3489).....	[IC Baltimore]	.....	CSXT	55030	76002	234070	Baltimore, MD.....	03/15/1996	21233
*Baltimore Lehigh Yard (1-22-3489).....	[IC Baltimore]	.....	CSXT	55120	76023	234067	Baltimore, MD.....	03/15/1996	21233
*Baltimore Leonard Siding (1-22-3489).....	[IC Baltimore]	.....	CSXT	55060	76818	234069	Baltimore, MD.....	03/15/1996	21233
*Baltimore Ltd (1-22-41-3704).....	[IC Baltimore]	.....	CR	24050	24050	234000	No Rate Basis.....	03/15/1996	21234
*Baltimore Oak St North Ave Yd (1-22-3489).....	[IC Baltimore]	.....	CSXT	30730	70118	234077	Baltimore, MD.....	03/15/1996	21233
*Baltimore Paddicoord Siding (1-22-3489).....	[IC Baltimore]	.....	CSXT	55055	76019	234083	Baltimore, MD.....	03/15/1996	21233
*Baltimore Piers (1-22-41-3704).....	[IC Baltimore]	.....	CR	3204	3204	234093	Baltimore, MD.....	03/15/1996	21224
*Baltimore Pres St (1-3489).....	[IC Baltimore]	.....	CSXT	30745	70115	234088	Baltimore, MD.....	03/15/1996	21233
*Baltimore TDSI (1-3489).....	[Baltimore]	.....	CSXT	55080	79836	232376	Baltimore, MD.....	03/15/1996	21227
*Baltimore Terminal (1-22-41-3704).....	[IC Baltimore]	.....	CR	3243	3243	234000	Baltimore, MD.....	03/15/1996	21233
*Baltimore Trailvan (19-3704).....	[IC Baltimore]	BALTV	CR	3203	3203	234093	Baltimore, MD.....	03/15/1996	21233

STATION	COUNTY	RULE 260	RR	OPSL	FEAC	SPIC	NATIONAL RATE BASIS	EFFECTIVE DATE	RATE ZIP
*Baltimore Washington Rd Siding (1-3489)	[IC Baltimore]	.....	CSKT	55065	76017	234119	Baltimore, MD.....	03/15/1996	21233
*Barclay (1-22-149-3250).....[Queen Annes]	MDDE	661	235131	861	235131	Sudlersville, MD.....	04/02/1993	21607
*Barksdale (1-3489).....[Cecil]	CSKT	30430	70054	231112	231112	Havre de Grace, MD.....	03/15/1996	21920
*Barnesville (1-3489).....[Montgomery]	CSKT	31220	70837	237320	237320	Frederick, MD.....	03/15/1996	20838
*Bay View (1-3489-5500).....[IC Baltimore]	BALEV	CSKT	30615	70081	234004	Baltimore, MD.....	03/15/1996	21233
*Bayside Coal Piar (1-3489).....[Baltimore]	CSKT	30791	70154	232427	232427	Baltimore, MD.....	03/15/1996	21233
*Beaver Dam (1-3249).....[Worcester]	POCOM	ESBR	128	128	238672	Kings Creek, MD.....	02/28/1994	21851
*Belcamp (1-3489).....[Barford]	CSKT	30520	70076	231574	231574	Havre de Grace, MD.....	03/15/1996	21017
*Beltsville (1-22-3489).....[Prince Georges]	CSKT	30940	70873	237714	237714	Washington, DC.....	03/15/1996	20705
*Belvedere (1-3489).....[Cecil]	CSKT	30485	70067	231182	231182	Havre de Grace, MD.....	03/15/1996	21903
*Berlin (1-149-3250).....[Worcester]	BERLI	NDDE	817	817	238630	Snow Hill, MD.....	04/02/1993	21811
*Big Gumpowder.....[Baltimore]	CSKT	30530	70882	232261	232261	Baltimore, MD.....	03/15/1996	21156
*Biggs (1-3489).....[Alleghany]	CSKT	55790	70322	233794	233794	Altamont, MD.....	03/15/1996	21562
*Bishop (1-149-3250).....[Worcester]	NDDE	810	810	238612	238612	Georgetown, DE.....	04/02/1993	21813
*Black Oak.....[Alleghany]	CSKT	31900	70253	233798	233798	Cumberland, MD.....	03/15/1996	21557
*Bladensburg (1-3489).....[Prince Georges]	CSKT	30980	70841	237744	237744	Washington, DC.....	03/15/1996	20710
*Bloomington.....[Garrett]	CSKT	31930	70261	233841	233841	Altamont, MD.....	03/15/1996	21523
*Bowie (1-22-41-3704).....[Prince Georges]	CR	3305	3305	233770	233770	Washington, DC.....	03/15/1996	20715
*Boyd (1-3489).....[Montgomery]	CSKT	31210	70835	237366	237366	Frederick, MD.....	03/15/1996	20841
*Bradshaw (1-22-3489).....[Baltimore]	CSKT	30549	70081	232263	232263	Baltimore, MD.....	03/15/1996	21021
*Brady.....[Alleghany]	CSKT	31675	70247	238632	238632	Cumberland, MD.....	03/15/1996	21502
*Brandywine (1-41-150-3704).....[Prince Georges]	CR	3319	3319	237794	237794	Brandywine, MD.....	03/15/1996	20613
*Bridewell (1-3489).....[Howard]	CSKT	30900	70882	236383	236383	Baltimore, MD.....	03/15/1996	20755
*Brooklyn (1-3489).....[IC Baltimore]	CSKT	30755	70133	234007	234007	Baltimore, MD.....	03/15/1996	21233
*Brunswick (1-3489).....[Frederick]	CSKT	31417	70195	233393	233393	Frederick, MD.....	03/15/1996	21716
*Buck Lodge (1-3489).....[Montgomery]	CSKT	31215	70836	237322	237322	Frederick, MD.....	03/15/1996	20841
C									
*Cambridge (1-149-3250).....[Dorchester]	NDDE	886	886	238230	238230	Seaford, DE.....	04/02/1993	21613
*Canton (1-3489).....[IC Baltimore]	CSKT	30842	70093	234101	234101	Baltimore, MD.....	03/15/1996	21233
*Carlos (1-3489).....[Alleghany]	CSKT	56195	76569	233745	233745	Altamont, MD.....	03/15/1996	21532
*Carrollton (1-3100).....[Carroll]	NDDE	79	79	232744	232744	Westminster, MD.....	04/02/1993	21157
*Carville Sta (1-22-149-3250).....[Queen Annes]	NDDE	671	671	235148	235148	Sudlersville, MD.....	04/02/1993	21617
*Catoctin (1-3489).....[Frederick]	CSKT	31415	70194	233382	233382	Frederick, MD.....	03/15/1996	21755
*Cedarhurst (1-3100).....[Carroll]	NDDE	75	75	232810	232810	Westminster, MD.....	02/15/1994	21157
*Centerville (1-149-3250).....[Queen Annes]	NDDE	675	675	235144	235144	Sudlersville, MD.....	04/02/1993	21617
*Charlton (1-22-3489).....[Washington]	CSKT	55465	70287	233491	233491	Hagerstown, MD.....	03/15/1996	21722
*Chase (1-22-41-3704).....[Baltimore]	CR	3098	3098	232314	232314	Baltimore, MD.....	03/15/1996	21027
*Chesartown (1-149-3250).....[Kent]	NDDE	685	651	231720	231720	Sudlersville, MD.....	04/02/1993	21620
*Childs (1-3489).....[Cecil]	CSKT	30445	70037	231119	231119	Havre de Grace, MD.....	03/15/1996	21916
*Clarendon (1-3489).....[IC Baltimore]	CSKT	30725	70128	234050	234050	Baltimore, MD.....	03/15/1996	21233
*Clayton (1-3489).....[Barford]	CSKT	30535	70079	231578	231578	Baltimore, MD.....	03/15/1996	21085
*Clifford (1-3489-5500).....[IC Baltimore]	CLFFD	CSKT	30752	70131	234012	Baltimore, MD.....	03/15/1996	21233
*Clifford (1-3100-5500).....[IC Baltimore]	CLFFD	CIN	235	235	234012	Baltimore, MD.....	06/24/1995	21230
*Clapper (1-3489).....[Montgomery]	CSKT	31195	70830	237352	237352	Frederick, MD.....	03/15/1996	20878
*Cockeysville (1-22-41-3704).....[Baltimore]	CR	3384	3384	232301	232301	Baltimore, MD.....	03/15/1996	21030
*Colgate Creek (1-3489).....[IC Baltimore]	CSKT	30860	70096	234057	234057	Baltimore, MD.....	03/15/1996	21233
*College Park (1-3489).....[Prince Georges]	CSKT	30952	70879	237730	237730	Washington, DC.....	03/15/1996	20740
*Columbia (1-3489).....[Howard]	CSKT	30898	70164	236366	236366	Baltimore, MD.....	03/15/1996	21043
*Conowingo (1-41-150-3704).....[Cecil]	CR	3062	3062	231161	231161	Havre de Grace, MD.....	03/15/1996	21918
*Contee (1-3489).....[Prince Georges]	CSKT	30925	70870	237716	237716	Washington, DC.....	03/15/1996	20707
*Corbett (1-3489).....[Washington]	CSKT	55385	70890	232457	232457	Hagerstown, MD.....	03/15/1996	21740
*Cox Creek (1-3489).....[Anne Arundel]	CSKT	30814	70125	236705	236705	Baltimore, MD.....	03/15/1996	21226
*Crabtree.....[Garrett]	CSKT	31940	70263	233843	233843	Altamont, MD.....	03/15/1996	21523
*Crimp (1-3489).....[IC Baltimore]	CSKT	30760	70134	234008	234008	Baltimore, MD.....	03/15/1996	21233
*Crossley Siding (1-22-3489).....[Baltimore]	CSKT	30572	70074	232343	232343	Baltimore, MD.....	03/15/1996	21162
*Cumberland (1-3489).....[Alleghany]	CSKT	31860	70241	233630	233630	Cumberland, MD.....	03/15/1996	21502
*Cumberland Virginia Avenue (1-3489).....[Alleghany]	CSKT	55500	76114	233628	233628	Cumberland, MD.....	03/15/1996	21502
*Curtis Bay (1-3489).....[IC Baltimore]	CSKT	30815	70137	234066	234066	Baltimore, MD.....	03/15/1996	21226
*Curtis Bay Coal Piar (1-3489).....[IC Baltimore]	CSKT	30788	70144	234013	234013	Baltimore, MD.....	03/15/1996	21233
*Curtis Bay EK IM (1-3489).....[IC Baltimore]	CSKT	30790	70155	234015	234015	Baltimore, MD.....	03/15/1996	21226
D									
*Dawson.....[Alleghany]	CSKT	31905	70254	233792	233792	Cumberland, MD.....	03/15/1996	21557
*Delta 2 (1-22-3489).....[Garrett]	CSKT	31963	78002	233858	233858	Altamont, MD.....	03/15/1996	15542
*Delta 3 (1-3489).....[Alleghany]	CSKT	56202	76575	233779	233779	Altamont, MD.....	03/15/1996	21521
*Denton (1-3368).....[Caroline]	CHRR	1100	1100	235440	235440	No Rata Basis.....	06/23/1995	21629
*Detour (1-3100).....[Carroll]	NDDE	98	98	232701	232701	Frederick, MD.....	02/15/1994	21701
*Dickerson (1-3489).....[Montgomery]	CSKT	31225	70838	237301	237301	Frederick, MD.....	03/15/1996	20841
*Dorsey (1-3489).....[Howard]	CSKT	30890	70861	236372	236372	Baltimore, MD.....	03/15/1996	21227
*Dundalk (1-22-3489).....[Baltimore]	CSKT	30647	70100	232352	232352	Baltimore, MD.....	03/15/1996	21222
*Dundalk Marine Terminal (1-3489).....[IC Baltimore]	CSKT	55020	76016	234002	234002	Baltimore, MD.....	03/15/1996	21222
*Dundalk Marine Terminal EK IM (1-3489).....[IC Baltimore]	CSKT	30648	70156	234105	234105	Baltimore, MD.....	03/15/1996	21222
E									
*East New Market (1-149-3250).....[Dorchester]	NDDE	874	874	238231	238231	Seaford, DE.....	04/02/1993	21631
*Edler (1-3489).....[Cecil]	CSKT	30480	70664	231122	231122	Havre de Grace, MD.....	03/15/1996	21921
*Edgewood (1-22-41-3704).....[Barford]	CR	3094	3094	231581	231581	Baltimore, MD.....	03/15/1996	21040
*Elk Mills (1-22-3489).....[Cecil]	CSKT	30435	70955	231123	231123	Havre de Grace, MD.....	03/15/1996	21920
*Elkton (1-22-41-3704).....[Cecil]	ELKTO	CR	3045	231101	231101	Havre de Grace, MD.....	03/15/1996	21921
*Ellicott City (1-22-3489).....[Howard]	CSKT	31250	70157	236303	236303	Sykesville, MD.....	03/15/1996	21043
*Emory Grove (1-3500).....[Baltimore]	EMOGR	CSKT	55165	76037	232238	Baltimore, MD.....	03/15/1996	21071
*Emory Grove (1-3100-5500).....[Baltimore]	EMOGR	NDDE	72	72	232238	Baltimore, MD.....	03/15/1994	21200
*Evergreen Tipple (1-22-41).....[Washington]	CR	9300	9300	233430	233430	No Rata Basis.....	03/15/1996	21740

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MARYLAND

ALPHABETICAL - FREIGHT

MARYLAND

STATION	COUNTY	RULE 260	RR	OPSL	FSAC	SPLC	NATIONAL RATE BASIS	EFFECTIVE DATE	RATE ZIP
Ervitts Creek (1-3489).....	[Allsgany]	.....	CSXT	31855	70244	233686	Cumberland, MD.....	03/15/1996	21502
F									
*Fairfield (1-3489).....	[IC Baltimore]	.....	CSXT	30772	70135	234014	Baltimore, MD.....	03/15/1996	21233
Federalburg (1-349-3250).....	[Caroline]	.....	MODE	867	467	235480	Seaford, DE.....	04/02/1993	21632
*Fiery Siding (1-3489).....	[Washington]	.....	CSXT	55438	76088	233475	Hagerstown, MD.....	03/15/1996	21734
*Forest Glen (1-3489).....	[Montgomery]	.....	CSXT	31157	70815	237417	Washington, DC.....	03/15/1996	20907
*Franklin (22-3489).....	[Allsgany]	.....	CSXT	56233	76592	233783	Altamont, MD.....	03/15/1996	21562
*Frankville.....	[Garrett]	.....	CSXT	31945	70264	233844	Altamont, MD.....	03/15/1996	21561
*Frederick (1-3489).....	[Frederick]	.....	CSXT	31385	70186	233320	Frederick, MD.....	03/15/1996	21701
*Frederick Jct (1-3489).....	[Frederick]	.....	CSXT	31365	70184	233233	Frederick, MD.....	03/15/1996	21701
*Fruitland (1-22-41-3704).....	[Wicomico]	.....	CR	3907	3907	238453	Kings Creek, MD.....	03/15/1996	21826
*Ft George G Meade Jct (1-22-3489).....	[Anne Arundel]	.....	CSXT	30905	70866	236744	Baltimore, MD.....	03/15/1996	20755
*Fulton (1-22-3489).....	[IC Baltimore]	.....	CSXT	53045	76005	234106	Baltimore, MD.....	03/15/1996	21233
*Funkstown (1-3489).....	[Washington]	.....	CSXT	55410	76083	233466	Hagerstown, MD.....	03/15/1996	21734
G									
*Gaithersburg (1-22-3489).....	[Montgomery]	.....	CSXT	31185	70827	237350	Frederick, MD.....	03/15/1996	20877
*Garrett Park (1-22-3489).....	[Montgomery]	.....	CSXT	31162	70818	237402	Washington, DC.....	03/15/1996	20896
*Georgetown Jct (1-3489).....	[Montgomery]	.....	CSXT	31110	70812	237414	Washington, DC.....	03/15/1996	20907
*Glen Burnie (1-3100).....	[Anne Arundel]	.....	CTH	70	70	236730	Annapolis, MD.....	06/23/1995	21060
*Glen Morris (1-3100).....	[Baltimore]	.....	MMID	73	73	232237	Westminster, MD.....	02/15/1994	21157
*Glyndon (1-3489).....	[Baltimore]	.....	CSXT	55160	76036	232239	Baltimore, MD.....	03/15/1996	21071
*Golden Ring (1-3489).....	[Baltimore]	.....	CSXT	30985	70087	232359	Baltimore, MD.....	03/15/1996	21237
*Goldboro (1-3368).....	[Caroline]	.....	CHRR	600	600	235400	Dover, DE.....	04/21/1995	21636
*Grassboro (1-3368).....	[Caroline]	.....	CHRR	700	700	235402	Dover, DE.....	04/21/1995	21639
*Grimes.....	[Washington]	.....	NS	1220	7700	233546	Hagerstown, MD.....	03/15/1996	21782
*Groves (1-3489).....	[Frederick]	.....	CSXT	31380	70185	233337	Frederick, MD.....	03/15/1996	21701
H									
*Hagerstown (1-22-41-3704).....	[Washington]	HAGTN	CR	1328	1328	233430	Hagerstown, MD.....	03/15/1996	21740
*Hagerstown (1-3489-5500).....	[Washington]	HAGTN	CSXT	55350	76080	233430	Hagerstown, MD.....	03/15/1996	21740
*Hagerstown (5500).....	[Washington]	HAGTN	NS	1235	7709	233430	Hagerstown, MD.....	03/15/1996	21740
*Hagerstown (1-3100-5500).....	[Washington]	HAGTN	WE	10364	10364	233430	No Rate Basis.....	03/09/1994	21740
*Hagerstown (26-3368-3495-5500).....	[Washington]	HAGTN	HW	10750	10750	233430	Hagerstown, MD.....	06/16/1995	21740
*Hagerstown Trailway (19-3704).....	[Washington]	.....	CR	1329	1329	233441	Hagerstown, MD.....	03/15/1996	21740
*Hagerstown NW (26-41-3704-5500).....	[Washington]	HAGTN	CR	85048	85048	233430	No Rate Basis.....	03/15/1996	21740
*Halethorpe (1-22-41-3704).....	[Baltimore]	.....	CR	3291	3291	232376	Baltimore, MD.....	03/15/1996	21227
*Halethorpe (1-3489).....	[Baltimore]	.....	CSXT	30850	70149	232376	Baltimore, MD.....	03/15/1996	21227
*Hawthorne (1-22-3489).....	[Carroll]	.....	CSXT	55615	76147	232760	New Freedom, PA.....	03/15/1996	21074
*Hawthorne (1-3489).....	[Howard]	.....	CSXT	30877	70857	236309	Baltimore, MD.....	03/15/1996	21076
*Hawthorne (1-3489).....	[Howard]	.....	CSXT	30880	70858	236311	Baltimore, MD.....	03/15/1996	21227
*Herman (1-22-41-3704).....	[Anne Arundel]	.....	CR	3295	3295	236743	Baltimore, MD.....	03/15/1996	21077
*Havre de Grace (1-22-41-3704).....	[Harford]	.....	CR	3085	3085	231452	Havre de Grace, MD.....	03/15/1996	21078
*Hawkins Point Ex Im (1-22-3489).....	[Anne Arundel]	.....	CSXT	30813	70158	236710	Baltimore, MD.....	03/15/1996	21230
*Hawkins Point Pier (1-3489).....	[Baltimore]	.....	CSXT	30812	70143	232350	Baltimore, MD.....	03/15/1996	21233
*Henderson (1-3368).....	[Caroline]	.....	CHRR	500	500	235405	Dover, DE.....	04/21/1995	21660
*Herbert (1-22-41-3704).....	[Dorchester]	.....	CR	3320	3320	238206	Brandywine, MD.....	03/15/1996	20613
*Herring Run (1-3489).....	[IC Baltimore]	.....	CSXT	30600	70090	234118	Baltimore, MD.....	03/15/1996	21233
*Highfield (1-3489-5500).....	[Washington]	HIGHF	CSXT	55260	76068	233407	Hagerstown, MD.....	03/15/1996	21715
*Highfield (1-3100-5500).....	[Washington]	HIGHF	MMID	115	115	233407	Hagerstown, MD.....	02/15/1994	21740
*Highlandtown (1-3489).....	[IC Baltimore]	.....	CSXT	55005	70092	234026	Baltimore, MD.....	03/15/1996	21224
*Hillsboro (1-3368).....	[Caroline]	.....	CHRR	1000	1000	235432	No Rate Basis.....	06/23/1995	21641
*Holabird (1-3489).....	[IC Baltimore]	.....	CSXT	30645	70095	234029	Baltimore, MD.....	03/15/1996	21233
*Howardville (1-3489).....	[Baltimore]	.....	CSXT	55130	76026	232323	Baltimore, MD.....	03/15/1996	21208
*Hurlock (1-149-3250).....	[Dorchester]	HURLK	MODE	872	872	238220	Seaford, DE.....	04/02/1993	21643
*Hyattsville (1-3489).....	[Prince Georges]	.....	CSXT	31045	70882	237759	Washington, DC.....	03/15/1996	20781
I									
*Indian Head Jct (1-22-41-430-3704).....	[Charles]	.....	CR	3325	3325	239420	Brandywine, MD.....	03/15/1996	20695
*Iron Hill (1-22-41-3704).....	[Cecil]	.....	CR	3044	3044	231107	Havre de Grace, MD.....	03/15/1996	21921
J									
*Jesseup (1-22-3489).....	[Howard]	.....	CSXT	30895	70860	236389	Baltimore, MD.....	03/15/1996	20794
*Jesseup Food Center (1-3489).....	[Howard]	.....	CSXT	30896	70869	236388	Baltimore, MD.....	03/15/1996	20794
*Joppa (1-3489).....	[Harford]	.....	CSXT	30540	70080	231587	Baltimore, MD.....	03/15/1996	21085
K									
*Kennedysville (1-149-3250).....	[Kent]	.....	MODE	677	630	231744	Sudlersville, MD.....	04/02/1993	21645
*Kensington (1-22-3489).....	[Montgomery]	.....	CSXT	31160	70816	237410	Washington, DC.....	03/15/1996	20896
*Keymar (1-3100).....	[Carroll]	KEYMA	MMID	20	95	232797	Frederick, MD.....	02/15/1994	21701
*Kings Creek (1-22-41-3704).....	[Somerset]	.....	CR	3911	3911	238862	Kings Creek, MD.....	03/15/1996	21853
*Knoxville (1-3489).....	[Frederick]	.....	CSXT	31419	70196	233395	Frederick, MD.....	03/15/1996	21758
L									
*La Plata (1-41-150-3704).....	[Charles]	.....	CR	3327	3327	239430	Brandywine, MD.....	03/15/1996	20646
*Ladysburg (1-3100).....	[Frederick]	.....	MMID	22	22	233304	Frederick, MD.....	02/15/1994	21701
*Landover (1-22-41-3704).....	[Prince Georges]	.....	CR	3327	3337	237761	Washington, DC.....	03/15/1996	20785
*Lanhamdowns (1-22-3489).....	[Baltimore]	.....	CSXT	30835	70147	232379	Baltimore, MD.....	03/15/1996	21227
*Lap (1-3489).....	[Allsgany]	.....	CSXT	55535	76249	233717	Cumberland, MD.....	03/15/1996	21545
*Leading Point (1-3489).....	[IC Baltimore]	CSXT	30810	70141	234107	Baltimore, MD.....	03/15/1996	21233
*Legore (1-3100).....	[Frederick]	MMID	26	26	233305	Frederick, MD.....	02/15/1994	21701

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STATION	COUNTY	RULE 260	RR	OPSL	FRAC	SPIC	NATIONAL RATE BASIS	EFFECTIVE DATE	RATE ZIP
*Leslie (1-22-3489).....[Cecil]		CSKT	30482	70065	231184	Bavre de Grace, MD.....	03/15/1996	21901	
*Lime Kiln (1-3489).....[Frederick]		CSKT	31390	70187	233244	Frederick, MD.....	03/15/1996	21701	
*Linden (1-3489).....[Montgomery]		CSKT	31155	70814	237448	Washington, DC.....	03/15/1996	20907	
*Lindboro (1-3489).....[Carroll]		CSKT	55630	76153	232775	New Freedom, PA.....	03/15/1996	21088	
*Linkwood (1-149-3250).....[Dorchester]		MODE	877	877	238232	Seaford, DE.....	04/02/1993	21835	
*Linkwood (1-3100).....[Carroll]		MODE	91	91	232747	Westminster, MD.....	02/15/1994	21197	
*Locust Point (1-3489).....[IC Baltimore]		CSKT	30715	70123	234071	Baltimore, MD.....	03/15/1996	21233	
*Locust Point EX IM (1-3489).....[IC Baltimore]		CSKT	30714	70120	234073	Baltimore, MD.....	03/15/1996	21230	
*Lonsconing (1-3489).....[Allegany]		CSKT	55530	76238	231771	Altamont, MD.....	03/15/1996	21539	
*Loreley (1-3489).....[Baltimore]		CSKT	30555	70083	232324	Baltimore, MD.....	03/15/1996	21162	
*Lowndes.....[Allegany]		CSKT	31890	70250	232673	Cumberland, MD.....	03/15/1996	21557	
*Loyer (1-3489).....[Frederick]		CSKT	31396	70193	233399	Frederick, MD.....	03/15/1996	21710	
*Loya (1-3100).....[Frederick]		MODE	105	105	232325	Frederick, MD.....	02/15/1994	21701	
*Luka (1-22-3489).....[Allegany]		CSKT	55810	70258	233784	Altamont, MD.....	03/15/1996	21540	
*Lutherville (1-22-41-3704).....[Baltimore]		CR	3380	3380	232303	Baltimore, MD.....	03/15/1996	21093	
*Lynch (1-149-3250).....[Kent]		MODE	681	642	231746	Sudlersville, MD.....	04/02/1993	21646	
M									
*Marlboro (1-41-150-3704)....[Prince Georges]		CR	3311	3311	237789	Brandywine, MD.....	03/15/1996	20772	
*Marriottsville (1-3489).....[Howard]		CSKT	31270	70168	236341	Sykesville, MD.....	03/15/1996	21104	
*Marydel Spur (1-3368).....[Caroline]		CHRR	450	450	235412	Dover, DE.....	06/16/1995	21649	
*Masonville (1-3489).....[IC Baltimore]		CSKT	30770	70132	234034	Baltimore, MD.....	03/15/1996	21233	
*Massey (1-149-3250).....[Kent]		MODE	631	631	231737	Sudlersville, MD.....	04/02/1993	21650	
*Maugansville (1-22-41-3704).....[Washington]		CR	1327	1327	233425	Bagerstown, MD.....	03/15/1996	21767	
*McDonough (1-3489).....[Baltimore]		CSKT	55145	76029	232325	Baltimore, MD.....	03/15/1996	21208	
*McGinnis (1-3100).....[Carroll]		MODE	80	80	232815	Westminster, MD.....	06/16/1995	21157	
*McKensie.....[Allegany]		CSKT	31880	70248	233669	Cumberland, MD.....	03/15/1996	21556	
*Medford (1-3100).....[Carroll]		MODE	88	88	232754	Westminster, MD.....	02/15/1994	21157	
*Metziki (1-3489).....[Garrett]		CSKT	55860	76377	233853	Thomas, WV.....	03/15/1996	21561	
*Middle River (1-22-41-3704).....[Baltimore]		CR	3100	3100	232328	Baltimore, MD.....	03/15/1996	21220	
*Middleburg (1-3100).....[Carroll]		MODE	93	93	232798	Frederick, MD.....	02/15/1994	21701	
*Millington (1-149-3250).....[Kent]		MODE	654	654	231797	Sudlersville, MD.....	04/02/1993	21651	
*Mine 5 (1-3489).....[Allegany]		CSKT	56215	76576	232650	Altamont, MD.....	03/15/1996	21539	
*Monrovia.....[Frederick]		CSKT	31335	70179	233360	Sykesville, MD.....	03/15/1996	21770	
*Monumental (1-3489).....[IC Baltimore]		CSKT	30845	70148	234092	Baltimore, MD.....	03/15/1996	21227	
*Morrison (1-3489).....[Allegany]		CSKT	56225	76585	233767	Altamont, MD.....	03/15/1996	21521	
*Mountain Lake Park (1-22-3489).....[Garrett]		CSKT	31975	78003	233865	Altamont, MD.....	03/15/1996	21550	
*Mt Airy (1-22-3489).....[Carroll]		CSKT	31320	70177	232860	Sykesville, MD.....	03/15/1996	21771	
*Mt Clara (1-3489).....[IC Baltimore]		CSKT	30722	70122	234037	Baltimore, MD.....	03/15/1996	21233	
*Mt Hope (1-22-3489).....[IC Baltimore]		CSKT	55125	76024	234038	Baltimore, MD.....	03/15/1996	21233	
*Mt Savage Jct.....[Allegany]		CSKT	36592	70893	233735	Cumberland, MD.....	03/15/1996	21524	
*Mt Wilson (1-3489).....[Baltimore]		CSKT	55140	76028	232325	Baltimore, MD.....	03/15/1996	21208	
*Mt Winans (1-22-3489).....[IC Baltimore]		CSKT	30830	70145	234046	Baltimore, MD.....	03/15/1996	21233	
*Muirkirk (1-3489).....[Prince Georges]		CSKT	30930	70871	237718	Washington, DC.....	03/15/1996	20705	
*Murray Siding (1-3489).....[Howard]		CSKT	30875	70856	236308	Baltimore, MD.....	03/15/1996	21076	
N									
*New Windsor (1-3100).....[Carroll]		MODE	90	90	232755	Westminster, MD.....	02/15/1994	21157	
*North Branch (1-3489).....[Allegany]		CSKT	31850	70243	233672	Cumberland, MD.....	03/15/1996	21502	
*North Jct (6).....[Washington]		CSKT	55355	76079	233432	Bagerstown, MD.....	03/15/1996	21740	
O									
*Oakland (1-22-3489).....[Garrett]		CSKT	31990	70273	233876	Altamont, MD.....	03/15/1996	21550	
*Ocean (1-3489).....[Allegany]		CSKT	56200	76574	233778	Altamont, MD.....	03/15/1996	21542	
*Odenton (1-22-41-3704).....[Anne Arundel]		CR	3298	3298	236780	Baltimore, MD.....	03/15/1996	21113	
*Ordanance (1-3489).....[IC Baltimore]		CSKT	30795	70138	234108	Baltimore, MD.....	03/15/1996	21233	
*Owings Mills (1-3489).....[Baltimore]		CSKT	55155	76022	232257	Baltimore, MD.....	03/15/1996	21117	
P									
*Paramount (1-3489).....[Washington]		CSKT	55360	76135	233425	Bagerstown, MD.....	03/15/1996	21740	
*Patapasco (1-3100).....[Carroll]		MODE	78	78	232806	Westminster, MD.....	04/02/1993	21157	
*Pam Mary Jct (26-5500).....[Baltimore]		PERMY	30640	70094	232303	Baltimore, MD.....	03/15/1996	21233	
*Perryman (1-22-41-3704).....[Harford]		CR	3091	3091	231495	Bavre de Grace, MD.....	03/15/1996	21330	
*Perryville (1-22-41-3704).....[Cecil]		PERVL	3054	3054	231195	Bavre de Grace, MD.....	03/15/1996	21903	
*Phils Cons 10 (1-3489).....[Allegany]		CSKT	56198	76572	233751	Altamont, MD.....	03/15/1996	21532	
*Pikesville (1-3489).....[Baltimore]		CSKT	55135	76027	232334	Baltimore, MD.....	03/15/1996	21208	
*Pineburg (1-3489).....[Washington]		CSKT	55463	76086	233495	Bagerstown, MD.....	03/15/1996	21795	
*Pocomoke (1-22-41-3704-5500).....[Worcester]		POCOM	3928	3928	238670	Kings Creek, MD.....	03/15/1996	21851	
*Pocomoke (1-3249-5500).....[Worcester]		POCOM	135	135	238670	Kings Creek, MD.....	04/02/1993	21851	
*Point of Rocks (6).....[Frederick]		CSKT	31410	70192	233387	Frederick, MD.....	03/15/1996	21777	
*Poland (1-3489).....[Allegany]		CSKT	55795	76323	233786	Altamont, MD.....	03/15/1996	21562	
*Poplar (1-22-3489).....[Baltimore]		CSKT	30570	70095	232335	Baltimore, MD.....	03/15/1996	21162	
*Port Deposit (1-22-41-3704).....[Cecil]		CR	3058	3058	231177	Bavre de Grace, MD.....	03/15/1996	21904	
*Preston (1-149-3250).....[Caroline]		MODE	888	888	235478	Seaford, DE.....	04/02/1993	21655	
*Price (1-149-3250).....[Queen Annes]		MODE	667	667	235158	Sudlersville, MD.....	04/02/1993	21656	
*Princess Anne (1-22-41-3704).....[Somerset]		CR	3910	3910	238880	Kings Creek, MD.....	03/15/1996	21853	
Q									
*Queen Anne (1-3368).....[Queen Annes]		CHRR	900	900	235199	No Rate Basis.....	04/21/1995	21657	
R									
*Rasin (1-3489).....[IC Baltimore]		CSKT	30775	70136	234120	Baltimore, MD.....	03/15/1996	21233	
*Rely (1-3489).....[Baltimore]		CSKT	30860	70151	232391	Baltimore, MD.....	03/15/1996	21227	
*Ridgely (1-3368).....[Caroline]		CHRR	800	800	235420	No Rate Basis.....	04/21/1995	21660	
*Roberts (1-149-3250).....[Queen Annes]		MODE	665	665	235162	Sudlersville, MD.....	04/02/1993	21902	

SEE LAST PAGE FOR EXPLANATION OF REFERENCE MARKS.

MARYLAND

ALPHABETICAL - FREIGHT

MD

STATION	COUNTY	RULE 260	RR	OPSL	FBAC	SPLC	NATIONAL RATE BASIS	EFFECTIVE DATE	
Brookville (1-3489).....	[Montgomery]	.....	CSXT	31170	70823	237378	Washington, DC.....	03/15/1996
Rocky Ridge (1-3100).....	[Frederick]	.....	MMID	99	99	233227	Frederick, MD.....	02/15/1994
E-Rosedale (1-3489).....	[Baltimore]	.....	CSXT	30590	70088	232393	Baltimore, MD.....	03/15/1996
E-Roseville (1-22-3489).....	[Baltimore]	.....	CSXT	30580	70086	232347	Baltimore, MD.....	03/15/1996
E-Roxbury (1-3489).....	[Washington]	.....	CSXT	55440	76085	233484	Hagerstown, MD.....	03/15/1996
S									
Sabillasville (1-3100).....	[Frederick]	.....	MMID	111	111	233209	Frederick, MD.....	02/15/1994
*Salisbury (1-41-150-3704).....	[Wicomico]	.....	CR	3711	3711	238451	Seaford, DE.....	03/15/1996
*Sandy Hook (1-3489).....	[Washington]	.....	CSXT	31545	70198	233585	Hagerstown, MD.....	03/15/1996
E-Savage (1-3489).....	[Howard]	.....	CSXT	30910	70864	236393	Washington, DC.....	03/15/1996
E-Savage Factory (1-3489).....	[Howard]	.....	CSXT	30915	70865	236294	Washington, DC.....	03/15/1996
*Savage Mine (1-22-3489).....	[Allegany]	.....	CSXT	55808	76327	233780	Altamont, MD.....	03/15/1996
*Seabrook (1-22-41-3704).....	[Prince Georges]	.....	CR	3334	3334	237738	Washington, DC.....	03/15/1996
E-Security (1-3489).....	[Washington]	.....	CSXT	55345	76077	233429	Hagerstown, MD.....	03/15/1996
E-Security Jet (5).....	[Washington]	.....	CSXT	55390	91823	233485	No Rate Basis.....	03/15/1996
ESilver Spring (1-22-3489).....	[Montgomery]	.....	CSXT	31100	70809	237450	Washington, DC.....	03/15/1996
E-Singerly (1-3489).....	[Cecil]	.....	CSXT	30440	70056	231128	Havre de Grace, MD.....	03/15/1996
ESlotted Point (1-3489).....	[IC Baltimore]	.....	CSXT	30805	70142	234103	Baltimore, MD.....	03/15/1996
E-Smith Siding (1-3489).....	[Howard]	.....	CSXT	30885	70859	236312	Baltimore, MD.....	03/15/1996
E-Smithsburg (1-3489).....	[Washington]	.....	CSXT	55320	76074	233419	Hagerstown, MD.....	03/15/1996
*Snow Hill (1-149-3250).....	[Worcester]	.....	MMDE	830	830	238650	Snow Hill, MD.....	10/08/1992
*Sparrows Point (1-22-41-3704-5500).....	[Baltimore]	.....	SPAPT	CR	3232	232357	Baltimore, MD.....	03/15/1996
ESparrows Point (1-3489).....	[Baltimore]	.....	BAZTO	CSXT	30655	70099	Baltimore, MD.....	03/15/1996
Sparrows Point (1-22-5500).....	[Baltimore]	SPAPT	FSR	10	10	232357	No Rate Basis.....	10/08/1992
ESparrows Point Jet (5).....	[Baltimore]	.....	CSXT	30630	91074	232316	No Rate Basis.....	03/15/1996
*Spelman.....	[Washington]	.....	NS	1225	7701	233498	Hagerstown, MD.....	03/15/1996
E-St Denis (1-3489).....	[Baltimore]	.....	CSXT	30855	70350	232394	Baltimore, MD.....	03/15/1996
St James.....	[Washington]	.....	NS	1230	7703	233496	Hagerstown, MD.....	03/15/1996
EStahl Point (1-3489).....	[IC Baltimore]	.....	CSXT	30800	70140	234109	Baltimore, MD.....	03/15/1996
E-Stepney (1-3489).....	[Harford]	.....	CSXT	30515	70075	231597	Havre de Grace, MD.....	03/15/1996
E-Stayner (1-3489).....	[Garrett]	.....	CSXT	55845	76364	233868	Altamont, MD.....	03/15/1996
*Still Pond (1-22-149-3250).....	[Kent]	.....	MMDE	679	640	231764	Sudlersville, MD.....	04/02/1993
*Sudlersville (1-149-3250).....	[Queen Annes]	.....	MMDE	659	659	235139	Sudlersville, MD.....	10/08/1992
ESwan Creek.....	[Harford]	.....	CSXT	30505	70072	231465	Havre de Grace, MD.....	03/15/1996
E-Sykesville (1-3489).....	[Carroll]	.....	CSXT	31285	70179	232870	Sykesville, MD.....	03/15/1996
Sylmar (1-259-600-3370-3495).....	[Cecil]	.....	DV	85	85	231157	No Rate Basis.....	07/12/1995
T									
Taneytown (1-3100).....	[Carroll]	.....	MMID	15	15	232708	Hanover, PA.....	02/15/1994
Tannery (1-3100).....	[Carroll]	.....	MMID	82	82	232723	Westminster, MD.....	04/02/1993
ETanyard Point (1-3489).....	[IC Baltimore]	.....	CSXT	30802	70119	234089	Baltimore, MD.....	03/15/1996
*Texas (1-22-41-3704).....	[Baltimore]	.....	CR	3383	3383	232307	Baltimore, MD.....	03/15/1996
Thurmont (1-3100).....	[Frederick]	.....	MMID	107	107	232320	Frederick, MD.....	02/15/1994
*Timonium (1-22-41-3704).....	[Baltimore]	.....	CR	3381	3381	232308	Baltimore, MD.....	03/15/1996
E-Tuscarora (1-3489).....	[Frederick]	.....	CSXT	31230	70839	233389	Frederick, MD.....	03/15/1996
Twenty First St (5).....	[Allegany]	.....	CSXT	55783	91045	233785	No Rate Basis.....	03/15/1996
U									
Union Bridge (1-3100).....	[Carroll]	.....	MMID	92	92	232756	Frederick, MD.....	02/15/1994
V									
E-Van Bibber (1-3489).....	[Harford]	.....	CSXT	30530	70078	231599	Baltimore, MD.....	03/15/1996
E-Viaduct (1-3489).....	[Allegany]	.....	CSXT	30870	70855	233643	Baltimore, MD.....	03/15/1996
Viaduct Jet (5).....	[Allegany]	.....	CSXT	31863	91037	233630	No Rate Basis.....	03/15/1996
W									
EWagners Point (1-3489).....	[IC Baltimore]	.....	CSXT	30780	70139	234064	Baltimore, MD.....	03/15/1996
Wakofield (1-3100).....	[Carroll]	.....	MMID	89	89	232759	Westminster, MD.....	02/15/1994
*Walbrook (1-3489).....	[IC Baltimore]	.....	CSXT	55050	76006	234054	Baltimore, MD.....	03/15/1996
*Waldorf (1-22-41-3704).....	[Charles]	.....	CR	3324	3324	239418	Brandywine, MD.....	03/15/1996
Walkersville (1-3100).....	[Frederick]	.....	MMID	31	31	233280	Frederick, MD.....	02/15/1994
E-Waring (1-3489).....	[Montgomery]	.....	CSXT	31200	70831	237362	Frederick, MD.....	03/15/1996
E-Washington Grove (1-22-3489).....	[Montgomery]	.....	CSXT	31180	70826	237359	Washington, DC.....	03/15/1996
E-Weber.....	[Garrett]	.....	CSXT	31980	70272	233888	Altamont, MD.....	03/15/1996
E-West Baltimore (1-3489).....	[IC Baltimore]	.....	CSXT	30832	70146	234114	Baltimore, MD.....	03/15/1996
E-Westernport (1-3489).....	[Allegany]	.....	CSXT	55800	76324	233788	Altamont, MD.....	03/15/1996
Westminster (1-3100).....	[Carroll]	.....	MMID	85	85	232710	Westminster, MD.....	10/12/1992
E-Westport (1-3489).....	[IC Baltimore]	.....	CSXT	30750	70130	234058	Baltimore, MD.....	03/15/1996
E-Weyerton (1-3489).....	[Washington]	.....	CSXT	31421	70397	233587	Hagerstown, MD.....	03/15/1996
E-White Marsh (1-22-3489).....	[Baltimore]	.....	CSXT	30560	70084	232346	Baltimore, MD.....	03/15/1996
*Williamsburg (1-149-3250).....	[Dorchester]	.....	MMDE	870	870	238217	Seaford, DE.....	04/02/1993
*Williamsport (1-22-41-3704).....	[Washington]	.....	CR	1332	1332	233489	Hagerstown, MD.....	03/15/1996
E-Williamsport (1-22-3489).....	[Washington]	.....	CSXT	55460	76084	233499	Hagerstown, MD.....	03/15/1996
Williamsport (3700).....	[Washington]	.....	WMSP	NS	65402	233499	Hagerstown, MD.....	03/15/1996
E-Williamsport (1-3360-3495).....	[Washington]	.....	WM	10800	10800	233499	No Rate Basis.....	03/11/1993
E-Woodbine (3489).....	[Carroll]	.....	CSXT	31305	70174	232844	Sykesville, MD.....	03/15/1996
E-Woodensburg (1-22-3489).....	[Baltimore]	.....	CSXT	55605	76143	232179	New Freedom, PA.....	03/15/1996
Woodboro (1-3100).....	[Frederick]	.....	MMID	27	27	233229	Frederick, MD.....	02/15/1994
E-Woodside (1-3489).....	[Montgomery]	.....	CSXT	31105	70811	237416	Washington, DC.....	03/15/1996
*Woodzell (1-22-41-3704).....	[Charles]	.....	CR	3331	3331	239455	Brandywine, MD.....	03/15/1996
E-Worton (1-22-149-3250).....	[Kent]	.....	MMDE	647	647	231770	Sudlersville, MD.....	06/16/1995

SEE LAST PAGE FOR EXPLANATION OF REFERENCE MARKS.

EXHIBIT D

STB AND ICC DECISIONS GRANTING EXEMPTIONS FROM 49 U.S.C. § 10904

The list includes grants of partial exemptions, decisions in which exemptions would have been granted if petition had not become moot and a decision in which the exemption was denied but potential offerors were advised that they must show how the line would be turned into a viable common carrier obligation since the only shipper on the line had agreed to acquire the line for use as industrial lead track. These variations are specifically noted next to the case title below.

BNSF Railway Company - Abandonment Exemption - In Kootenai County, ID, STB Docket No. AB-6 (Sub-No. 468X) (STB served November 27, 2009).

OFA Exemption Denied but Offeror Should Address one or more of the following: whether there is a demonstrable commercial need for rail service, as manifested by support from shippers or receivers on the line being abandoned or as manifested by other evidence of immediate and significant commercial need; whether there is community support for continued rail service; whether acquisition of freight operating rights would interfere with current and planned transit services; and whether continued rail service is operationally feasible.

Union Pacific Railroad Company - Abandonment Exemption and Discontinuance of Service - In Tarrant County, TX, STB Docket No. AB-33 (Sub-No. 280X) (STB served November 25, 2009).

Consolidated Rail Corporation - Abandonment Exemption - In Hudson County, NJ, STB Docket No. AB-167 (Sub-No. 1190X) (STB decided August 12, 2009); 2009 STB LEXIS 333, Decided August 12, 2009. An OFA exemption was granted in part and offerors were ordered to show cause why the exemption should not apply to an additional segment.

CSX Transportation, Inc. - Abandonment Exemption - In Glynn County, GA, STB Docket No. AB-55 (Sub-No. 697X) (STB served July 9, 2009); Decided: July 8, 2009. A partial exemption was granted. The Board said that opposition to an OFA exemption must meet a high standard of proof for the Board to deny the exemption.

BNSF Railway Company - Petition for Declaratory Order, STB Finance Docket No. 35164 (STB served May 20, 2009); BNSF Railway Company - Abandonment Exemption - In Oklahoma County, OK, STB Docket No. AB-6 (Sub-No. 430X).

Norfolk Southern Railway Company - Abandonment Exemption - in Somerset County, PA, STB Docket No. AB-290 (Sub-No. 305X) (STB served January 16, 2009); Decided: January 13, 2009. The Board denied an OFA exemption because no need was shown for a decision that would be inconsistent with the general Congressional policy but "given the apparent lack of need for this line for any shipper other than Rosebud, any person seeking to file an OFA must provide evidence of how this line will be turned into a viable common carrier line serving shippers other than Rosebud."

Los Angeles County Metropolitan Transportation Authority - Abandonment Exemption - in Los Angeles County, CA, STB Docket No. AB-409 (Sub-No. 5X) (STB served July 17, 2008); 2008 STB LEXIS 386, Decided July 17, 2008. The OFA exemption request was denied as moot because of a previously granted exemption but the exemption would have been granted under the facts of this case.

Minnesota Commercial Railway Company - Adverse Discontinuance - In Ramsey County, MN, STB Docket No. AB-882 (STB served July 16, 2008); MT Properties, Inc. - Adverse Abandonment - In Ramsey County, MN, STB Docket No. AB-884, Decided: July 15, 2008.

Norfolk Southern Railway Company - Abandonment Exemption - in Norfolk and Virginia Beach, VA, STB Docket No. AB-290 (Sub-No. 293X) (STB served November 6, 2007).

CSX Transportation, Inc. - Abandonment Exemption - in Genesee County, MI, STB Docket No. AB-55 (Sub-No. 633X) (STB served July 25, 2007); 2007 STB LEXIS 420, July 23, 2007.

Georgia Southwestern Railroad, Inc. - Abandonment Exemption - in Barbour County, AL, STB Docket No. AB-1000X (STB served April 25, 2007); 2007 STB LEXIS 198, April 23, 2007.

The Cincinnati, New Orleans and Texas Pacific Railway Company - Abandonment Exemption - In Roane County, TN, STB Docket No. AB-290 (Sub-No. 280X) (STB served February 23, 2007); 2007 STB LEXIS 89, February 22, 2007.

CSX Transportation, Inc. - Abandonment Exemption - in Pike County, KY, STB Docket No. AB-55 (Sub-No. 653X) (STB served September 13, 2004); 2004 STB LEXIS 574, September 13, 2004.

The Kansas City Southern Railway Company - Abandonment Exemption - In Jackson County, MO, STB Docket No. AB-103 (Sub-No. 17X) (STB served July 27, 2004); 2004 STB LEXIS 460, July 26, 2004.

Norfolk Southern Railway Company - Abandonment Exemption - in Washington County, NC, STB Docket No. AB-290 (Sub-No. 248X) (STB served July 26, 2004); 2004 STB LEXIS 462, July 23, 2004.

Norfolk Southern Railway Company - Abandonment Exemption - in Mecklenburg County, NC, STB Docket No. AB-290 (Sub-No. 247X) (STB served April 9, 2004); 2004 STB LEXIS 228, April 7, 2004.

Central Michigan Railway Company - Abandonment Exemption - in Saginaw County, MI, STB Docket No. AB-308 (Sub-No. 3X) (STB served October 31, 2003); 2003 STB LEXIS 697, October 31, 2003. Sua Sponte.

Butte-Silver Bow County - Abandonment Exemption - In Silver Bow County, MT, STB Docket No. AB-597X (STB served October 4, 2002); 2002 STB LEXIS 586, October 2, 2002.

County of Coahoma, Mississippi - Abandonment Exemption - in Tallahatchie and Coahoma Counties, MS, STB Docket No. AB-579X (STB served June 15, 2001). Gulf & Ohio Railways, Inc., d/b/a Mississippi Delta Railroad - Discontinuance of Service Exemption - in Tallahatchie and Coahoma Counties, MS, STB Docket No. AB-580X, 2001 STB LEXIS 563, June 12, 2001.

Central Kansas Railway, L.L.C. - Abandonment Exemption - in Sedgwick County, KS, STB Docket No. AB-406 (Sub-No. 14X) (STB served April 10, 2001); 2001 STB LEXIS 356, April 9, 2001.

The Cincinnati, New Orleans and Texas Pacific Railway Company - Abandonment Exemption - in Cumberland and Roane Counties, TN, STB Docket No. AB-290 (Sub-No. 208X) (STB served November 15, 2000); 2000 STB LEXIS 670, November 13, 2000.

Union Pacific Railroad Company - Abandonment Exemption - in Monroe County, IA, STB Docket No. AB-33 (Sub-No. 153X) (STB served September 1, 2000); 2000 STB LEXIS 502, August 30, 2000.

Union Pacific Railroad Company - Abandonment Exemption - in Pima County, AZ, STB Docket No. AB-33 (Sub-No. 141X) (STB served February 16, 2000); 2000 STB LEXIS 89, February 15, 2000.

Grand Trunk Western Railroad Incorporated - Abandonment Exemption - Rail Line in Detroit, MI, STB Docket No. AB-31 (Sub-No. 36X) (STB served January 28, 2000); 2000 STB LEXIS 53, January 27, 2000.

Wisconsin Central Ltd. - Abandonment Exemption - in Marquette County, MI, Docket No. AB-303 (Sub-No. 5X) (STB served October 14, 1999); 1999 STB LEXIS 588, October 7, 1999.

Roaring Fork Railroad Holding Authority - Abandonment Exemption - In Garfield, Eagle, and Pitkin Counties, CO, 4 S.T.B. 116 (1999), STB Docket No. AB-547X (STB served May 21, 1999); 1999 STB LEXIS 299, May 19, 1999.

Doniphan, Kensett and Searcy Railway - Abandonment Exemption - in Searcy, White County, AR, STB Docket No. AB-558X (STB served May 6, 1999); 1999 STB LEXIS 309, May 5, 1999.

Union Pacific Railroad Company - Abandonment Exemption - in Salt Lake County, UT, STB Docket No. AB-33 (Sub-No. 116X) (STB served September 30, 1998); 1998 STB LEXIS 648, September 28, 1998.

Norfolk and Western Railway Company - Abandonment Exemption - in Cincinnati, Hamilton County, OH, 3 S.T.B. 110 (1998); STB Docket No. AB-290 (Sub-No. 184X) (STB served May 13, 1998); 1998 STB LEXIS 126, May 13, 1998.

Grand Trunk Western Railroad Incorporated - Adverse Discontinuance of Trackage Rights Application - a Line of Norfolk and Western Railway Company in Cincinnati, Hamilton County, OH, 3 S.T.B. 124 (1998); STB Docket No. AB-31 (Sub-No. 30) (STB served May 13, 1998); 1998 STB LEXIS 127, May 13, 1998.

Union Pacific Railroad Company - Abandonment Exemption - in Kane County, IL, STB Docket No. AB-33 (Sub-No. 105X) (STB served April 29, 1997); 1997 STB LEXIS 87, April 17, 1997.

Blue Mountain Railroad, Inc. - Abandonment Exemption - in Whitman County, WA, and Latah County, ID, STB Docket No. AB-485X (STB served March 4, 1997), 1997 STB LEXIS 337, February 25, 1997.

CSX Transportation, Inc. - Abandonment - In Barbour, Randolph, Pocahontas, and Webster Counties, WV, Docket No. AB-55 (Sub-No. 500) (STB served January 9, 1997); 1996 STB LEXIS 365, December 31, 1996. Sua Sponte.

Missouri Pacific Railroad Company - Abandonment and Discontinuance of Operations Exemption - in Houston, Harris County, TX, STB Docket No. AB-3 (Sub-No. 139X) (STB served December 31, 1996).

Houston Belt & Terminal Railway Company - Discontinuance of Operations Exemption - in Houston, Harris County, TX, STB Docket No. AB-423 (Sub-No. 2X); 1996 STB LEXIS 362, December 23, 1996.

K & E Railway Company - Abandonment Exemption - In Alfalfa, Garfield, and Grant Counties, OK, and Barber County, KS, STB Docket No. AB-480X (STB served December 31, 1996); 1996 STB LEXIS 363, December 23, 1996.

Southern Pacific Transportation Company - Abandonment Exemption - in San Mateo County, CA, ICC Docket No. AB-12 (Sub-No. 170X) (STB served January 5, 1996); 1995 ICC LEXIS 328, ICC Decided December 21, 1995.

Southern Pacific Transportation Company - Abandonment Exemption - in Santa Clara County, CA, ICC Docket No. AB-12 (Sub-No. 181X) (ICC served February 24, 1995); 1995 ICC LEXIS 28, February 7, 1995.

Southern Pacific Transportation Company - Discontinuance of Service Exemption - in Los Angeles County, CA, ICC Docket No. AB-12 (Sub-No. 171X) (ICC served January 9, 1995).

Los Angeles County Metropolitan Transportation Authority - Abandonment Exemption - in Los Angeles County, CA, ICC Docket No. AB-409 (Sub-No. 3X); 1994 ICC LEXIS 284, December 16, 1994.

Southern Pacific Transportation Company - Discontinuance of Service Exemption - in Los Angeles County, CA, ICC Docket No. AB-12 (Sub-No. 172X) (ICC served December 23, 1994).

Los Angeles County Metropolitan Transportation Authority - Abandonment Exemption - in Los Angeles County, CA, ICC Docket No. AB-409 (Sub-No. 4X); 1994 MCC LEXIS 132, December 1, 1994.

Southern Pacific Transportation Company - Discontinuance of Service Exemption - in Los Angeles County, CA ICC Docket No. AB-12 (Sub-No. 169X) (ICC served May 24, 1994).

Los Angeles County Metropolitan Transportation Authority - Abandonment Exemption - in Los Angeles County, CA, Docket No. AB-409 (Sub-No. 2X); 1994 MCC LEXIS 42, May 17, 1994.

Los Angeles County Metropolitan Transportation Authority - Abandonment Exemption - Between Arcadia and Los Angeles, CA, ICC Docket No. AB-409 (Sub-No. 1X) (ICC served February 14, 1994).

The Atchison, Topeka and Santa Fe Railway Company - Discontinuance Exemption - Between Arcadia and Los Angeles, CA, ICC Docket No. AB-52 (Sub-No. 75X); 1994 ICC LEXIS 10, February 7, 1994.

Union Pacific Railroad Company - Abandonment Exemption - in Orange County, CA, ICC Docket No. AB-33 (Sub-No. 80X) (ICC served November 10, 1993); 1993 ICC LEXIS 220, November 1, 1993.

Wisconsin Department of Transportation - Abandonment Exemption - in Winnebago County, WI, ICC Docket No. AB-343 (Sub-No. 2X) (ICC served July 13, 1993).

Wisconsin & Southern Railroad Co. -- Discontinuance Exemption -- in Winnebago County, WI, ICC Docket No. AB-383 (Sub-No. 1X); 1993 MCC LEXIS 98, June 30, 1993.

Missouri Pacific Railroad Company - Abandonment - in Harris County, TX, ICC Docket No. AB-3 (Sub-No. 105X) (ICC served December 22, 1992); 1992 ICC LEXIS 285, December 16, 1992.

Chicago and North Western Transportation Company - Abandonment Exemption - in Blackhawk County, IA, ICC Docket No. AB-1 (Sub-No. 226X) (ICC served July 14, 1989).

Iowa Northern Railway Company - Abandonment and Discontinuance of Trackage Rights Exemption, ICC Docket No. AB-284 (Sub-No. 2X); 1989 ICC LEXIS 180, July 7, 1989.

Iowa Northern Railway Company - Abandonment - In Blackhawk County, IA, ICC Docket No. AB-284 (Sub-No. 1X) (ICC served April 1, 1988); 1988 ICC LEXIS 87, March 28, 1988.

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

STB DOCKET NO. AB-290 (Sub-No. 311X)

**NORFOLK SOUTHERN RAILWAY COMPANY
PROPOSED ABANDONMENT OF RAIL FREIGHT SERVICE OPERATION**

**BETWEEN MP UU 1.00 and MP UU 15.44,
IN BALTIMORE CITY AND BALTIMORE COUNTY, MARYLAND
(COCKEYSVILLE BRANCH)**

COMBINED ENVIRONMENTAL AND HISTORIC REPORT

**October 5, 2009
Revised November 17, 2009**

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(COCKEYSVILLE BRANCH)**

Combined Environmental And Historic Report

Norfolk Southern Railway Company ("NSR") submits this Combined Environmental and Historic Report ("EHR") pursuant to 49 C.F.R. § 1105.7(e) and 49 C.F.R. § 1105.8(d), respectively, for an exempt abandonment of rail freight service operations from Milepost UU 1.00 and Milepost UU 15.44, in Baltimore City and Baltimore County, Maryland.

A map delineating the line proposed for abandonment is attached as **Appendix A**. NSR's letter to federal, state and local government agencies is attached as **Appendix B**. Responses to the letter or other comments received as a result of consultations can be found in **Appendix C**.

ENVIRONMENTAL REPORT

49 CFR 1105.7(e)(1) Proposed Action and Alternatives.

Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

RESPONSE: Norfolk Southern Railway Company (NSR) proposes to abandon its rail freight service operation over 13.26 miles of rail line known as the Cockeysville Industrial Track (CIT) between railroad milepost UU 1.00 (located just north of Wyman Park Drive, formerly Cedar Avenue) and the end of the line just south of the bridge at railroad milepost UU 15.44 in Baltimore City and Baltimore County, Maryland. The Final System Plan, which was the basis for the transfer of the retained properties of the bankrupt northeastern railroad to NSR's predecessor, Consolidated Rail Corporation (Conrail), identifies the CIT as line code 1224, extending between mileposts 0.0 and 15.4. Conrail assumed operation of the CIT in 1976. The area beyond milepost 15.4 remained with the Penn Central estate and ceased to be part of the national rail system on April 1, 1976. The actual distance between the end points of the subject abandonment (13.26 miles) differs from the apparent interval between the milepost designations because Milepost 0.0 at the southern end of the line was relocated approximately 1.18 miles to the north in the 1970's, thus creating a corresponding offset in calculating actual mileage. In the Agreement of Sale dated May 1, 1990, pursuant to which Conrail sold the CIT right-of-way to the Mass Transit Administration, now the Maryland Transit Administration (MTA), but kept a freight railroad operating easement,

the length of the line is described as "the aforesaid 14.22, more or less, mile line" and the end of the line is described as "railroad milepost 15.4...more or less." To assure that the extent of the line is fully disclosed, NSR has described the end point of the abandonment as just south of the bridge at railroad milepost UU 15.44. Several descriptions of the line refer to its termination at milepost 15.4, however, the difference of 0.04-mile or about 211 feet may simply reflect rounding.

The abandonment necessarily includes all ancillary or excepted trackage, including without limitation, the 1.1-mile, more or less, Hunt Valley Industrial Track, also known as the Cockeysville Industrial Park Track, which runs through the Cockeysville Industrial Park to Hunt Valley mall. Conrail conveyed this track to MTA pursuant to a supplemental agreement dated April 25, 1997, subject to a retained freight railroad operating easement, so that MTA might extend the light rail service it had established over the CIT. The track was referred to in the agreement as the Cockeysville Extension. The description was apparently based on MTA's plan for the track rather than for its place in the Conrail system.

The entire line over which freight service is being abandoned is owned by the Maryland Transit Administration (MTA) which currently operates commuter passenger service over the majority of the line. MTA's passenger operation over the line extends to the wye track just north of Warren Road, near Milepost 13, where the Hunt Valley extension springs from the main line.

The crossing at Cockeysville Road has been paved over, and most of the tracks have been removed over the years north of that point. The railroad bridge over York

Road was removed in the early 1990's by the Maryland State Highway Administration with the authorization of MTA in order to correct a dangerous condition. In *Maryland Transit Administration - Petition for Declaratory Order*, STB Finance Docket No. 34975 (STB served October 9, 2007), the Surface Transportation Board (STB) described this bridge removal at slip op. 2-3, as follows:

MTA's engineer further explains that the segment of track north of the removed overpass had been removed prior to MTA's acquisition and that there were no shippers north of the overpass at the time. As a result, MTA permitted the overpass to be removed and permitted MSHA to reconfigure the street below to remove the dangerous condition. Thus, MTA has adequately addressed the Board's concerns about possible obstacles to rail freight service on the CIT.

Norfolk Southern has not performed freight service on the Cockeysville line since April 2005 and will not make any changes to the line following abandonment, and specifically will not perform any salvage on any part of the line as it has no ownership interest in the line.

The alternative to abandonment of rail freight service over the entire line is to not abandon rail freight service. This alternative is not satisfactory. Norfolk Southern would incur opportunity and other holding costs that would need to be covered by other customers were rail freight service to be retained.

49 CFR 1105.7(e)(2) Transportation system.

Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

RESPONSE: NSR's cessation of freight service on the line in April 2005 was sought to facilitate capital improvements and the restructuring of MTA's light-rail commuter service over this line. No freight service has been performed over the line since that time. Formal abandonment of freight operations will make that condition permanent. Consequently, the impact of the proposed action on regional or local transportation systems and patterns will be positive. As this is only an abandonment of rail freight service operations, the physical rail line and facilities (as further described by the STB in *Maryland Transit Administration - Petition for Declaratory Order*, STB Finance Docket No. 34975 (STB served October 9, 2007)) will remain intact for use in commuter transportation service.

49 CFR 1105.7(e)(3) Land use.

(i) Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

RESPONSE: The proposed abandonment involves 13.26 miles of rail line located in Baltimore City and Baltimore County, Maryland. The land along this line is in residential, industrial and commercial urban areas. Since NSR does not own the right-of-way, the owner, MTA will control future land use.

An outline of future land use plans has been requested from the Mayor of Baltimore City and the Baltimore County Executive. These agencies were also asked to comment on the consistency of the proposed abandonment with existing land use plans.

In his response, a copy of which is attached in **Appendix C**, James T. Smith, Jr., Baltimore County Executive, states that the county supports the proposed abandonment.

(ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land.

RESPONSE: Consultation was requested from The United States Department of Agriculture, Natural Resources Conservation Service. A copy of their response is attached in **Appendix C**.

(iii) If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by Sec. 1105.9.

RESPONSE: Consultation was requested from the Maryland Coastal Zone Management Program. However, no effect on the coastal zone is anticipated because the proposed action is abandonment of only rail freight service operations.

(iv) If the proposed action is an abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. 10906 and explain why.

RESPONSE: Following NSR's abandonment, MTA will continue to operate public passenger commuter rail service over the line segment.

49 CFR 1105.7(e)(4) Energy.

(i) Describe the effect of the proposed action on transportation of energy resources.

RESPONSE: Development and transportation of energy resources will not be significantly affected by NSR's abandonment of its rail freight service operations on this line segment as NSR currently conducts no operations over the line.

(ii) Describe the effect of the proposed action on recyclable commodities.

RESPONSE: Movement or recovery of recyclable commodities will not be affected by the abandonment.

(iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.

RESPONSE: The proposed action will not result in an increase or decrease in overall energy efficiency.

*(iv) If the proposed action will cause diversions from rail to motor carriage of more than:
(A) 1,000 rail carloads a year; or
(B) An average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given.*

RESPONSE: No traffic will be diverted from rail to motor carriage as a result of the proposed action.

49 CFR 1105.7(e)(5) Air.

*(i) If the proposed action will result in either:
(A) An increase in rail traffic of at least 100 percent (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or
(B) An increase in rail yard activity of at least 100 percent (measured by carload activity), or
(C) An average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions.*

RESPONSE: The above thresholds will not be exceeded.

(ii) If the proposed action affects a class I or nonattainment area under the Clean Air Act, and will result in either:

(A) An increase in rail traffic of at least 50 percent (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line,
(B) An increase in rail yard activity of at least 20 percent (measured by carload activity),
or
(C) An average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan.

RESPONSE: The above thresholds will not be exceeded. The City of Baltimore, Maryland, is in attainment for all National Ambient Air Quality Standard (NAAQS) pollutants according to the U. S. Environmental Protection Agency, with the exception of 1-hr ozone, 8-hr ozone, CO and 2.5 particulate matter. Baltimore County, Maryland is in attainment for all National Ambient Air Quality Standard (NAAQS) pollutants according to the U.S. Environmental Protection Agency, with the exception of 1-hr ozone, 8-hr ozone and 2.5 particulate matter.

(iii) If transportation of ozone depleting materials (such as nitrogen oxide and Freon®) is contemplated, identify: the materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

RESPONSE: Not applicable.

49 CFR 1105.7(e)(6) Noise.

If any of the thresholds identified in item (5)(i) of this section are surpassed, state whether the proposed action will cause:

- (i) An incremental increase in noise levels of three decibels Ldn or more; or*
- (ii) An increase to a noise level of 65 decibels Ldn or greater.*

If so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the project area, and quantify the noise increase for these receptors if the thresholds are surpassed.

RESPONSE: The above thresholds will not be exceeded.

49 CFR 1105.7(e)(7) Safety.

(i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings).

RESPONSE: There are ten (10) at-grade crossings on the subject line.

Abandonment of the rail freight service operation on the subject rail line will have no significant effect upon public health or safety. NSR is abandoning its rail freight service operation in an effort to cooperate with MTA's continuing efforts to offer uninterrupted commuter rail service.

(ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials.

RESPONSE: Not applicable.

(iii) If there are any known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.

RESPONSE: NSR has no knowledge of hazardous waste sites or sites where there have been known hazardous material spills on the right of way or in adjacent areas.

49 CFR 1105.7(e)(8) Biological Resources.

(i) Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.

RESPONSE: NSR does not believe that any federally listed endangered species or their habitats will be adversely affected by the abandonment of its rail freight service operation. A consultation was requested from the U.S. Fish and Wildlife Service (USFWS) to ascertain any impacts to surrounding habitats and species. A copy of their response is attached in **Appendix C**.

(ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

RESPONSE: Based on a site investigation, the line segment proposed for abandonment does not pass through state parks or forests, national parks or forests, or wildlife sanctuaries. No adverse effects on wildlife sanctuaries, National Parks or Forests, or State Parks or Forests are anticipated.

49 CFR 1105.7(e)(9) Water.

(i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.

RESPONSE: Norfolk Southern does not own the rail line over which operations are being abandoned and thus there will not be any alteration of the underlying roadbed as a result of this action. Since there are no plans to undertake in-stream work, or dredge and/or use any fill materials in connection with the proposed abandonment, water quality impacts

are not expected in connection with the proposed action. Consultation has been requested from the Maryland Department of Environment and from the United States Environmental Protection Agency. A copy of the response of the Maryland Department of the Environment is attached in **Appendix C**.

(ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under section 404 of the Clean Water Act (33 U.S.C. 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.

RESPONSE: Since there will not be any physical removal of rail, the roadbed will not be significantly altered. No discernible effects on either 100-year flood plains or adjacent wetlands are expected in connection with the proposed abandonment. Consequently, the railroad does not believe a Section 404 permit will be required in connection with the proposed abandonment. Consultation was requested from the US Army Corps of Engineers. A copy of their response is attached in **Appendix C**.

(iii) State whether permits under section 402 of the Clean Water Act (33 U.S.C. 1342) are required for the proposed action.

RESPONSE: Inasmuch as NSR proposes only to abandon its rail freight service operation, NRS does not intend to remove or alter the contour of the roadbed underlying the line, undertake in-stream work or to dredge or use any fill materials. There should be no significant effects to water quality or the need to acquire a Section 402 permit under the Federal Water Pollution Control Act; however, consultation was requested from the Environmental Protection Agency and from the Maryland Department of Environment. A

copy of the response of the Maryland Department of the Environment is attached in

Appendix C.

49 CFR 1105.7(e)(10) Proposed Mitigation.

Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

RESPONSE: Abandonment of rail freight service operation over the involved rail line is not expected to produce adverse environmental impacts.

Additional Information:

National Geodetic Survey Marker

Attached in **Appendix C** is a response from the National Geodetic Survey that states that there are 36 geodetic survey marks located in the area described.

Section 106 of the National Historic Preservation Act

Attached in **Appendix C** is a response from the Maryland Department of Planning, Maryland Historic Trust, which states the proposed abandonment of freight service will have no effect on historic properties.

HISTORIC REPORT

Proposed Action and Alternatives

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south of the bridge at railroad milepost UU 15.44. Several descriptions of the line refer to its termination at milepost 15.4, however, the difference of 0.04-mile or about 211 feet may simply reflect rounding.

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(STB served October 9, 2007), the Surface Transportation Board (STB) described this bridge removal at slip op. 2-3, as follows:

MTA's engineer further explains that the segment of track north of the removed overpass had been removed prior to MTA's acquisition and that there were no shippers north of the overpass at the time. As a result, MTA permitted the overpass to be removed and permitted MSHA to reconfigure the street below to remove the dangerous condition. Thus, MTA has adequately addressed the Board's concerns about possible obstacles to rail freight service on the CIT.

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ADDITIONAL INFORMATION:

U.S.G.S Topographic Map

Maps were furnished to the Maryland Historic Trust.

Written Description of Right of Way

The segment parallels a river between mileposts 1.0 and 7.0, therefore, the width of the corridor varies greatly. From milepost 7.0 to the end of the line the width of the

corridor is 132'; 66' on each side of the track centerline. The area traversed by the line is mostly urban, and includes both commercial and residential properties.

Photographs

Photographs of the bridges on the line segment were furnished to the Maryland Historic Society.

Date of Construction of Structures

Construction dates are shown on the Bridges and Structures list attached to this report in **Appendix D**.

History of Operations and Changes Contemplated

The Cockeysville Branch, or Hunt Valley Branch, originally was constructed by the Baltimore and Susquehanna Railroad Company. The Baltimore and Susquehanna Railroad Company was incorporated on February 13, 1828 by special act of the Maryland legislature. It was chartered to run from Baltimore, MD to York, PA and construction began as early as 1829. The line was completed from Baltimore to the Maryland-Pennsylvania State Line and began operations in 1838 in connection with the 22 mile line of the York and Maryland Line Rail Road Company, which was constructed between the Pennsylvania-Maryland State Line and York, Pennsylvania between 1836 and 1838. The York and Maryland Line Rail Road Company had been incorporated by special act of the Pennsylvania legislature on March 14, 1832. In addition to its 35 mile line between Baltimore and the Pennsylvania-Maryland State Line, The Baltimore and Susquehanna constructed a 10-mile line between Hollins and Turnpike in 1831-32.

On December 15, 1854, the Baltimore and Susquehanna Railroad Company, York and Maryland Line Rail Road Company, York and Cumberland Railroad Company (chartered by special act of the Pennsylvania legislature on April 21, 1846) and The Susquehanna Railroad Company (chartered by special act of the Pennsylvania legislature on April 14, 1851) consolidated, apparently effective on January 1, 1855, to form the Northern Central Railway Company. The Northern Central Railway Company was incorporated by special acts of Maryland and Pennsylvania through articles of union dated December 4, 1854; filed in Pennsylvania on December 16, 1854 and in Maryland on or about the same time.

Of course, not only have the original components, materials or structures that constitute the Line at this time long since changed on more than one occasion, the area where this Line is located has also changed into an industrial and nearby suburban residential area as part of the extended Baltimore area.

By 1870, The Pennsylvania Railroad Company had acquired majority stock ownership of the Northern Central Railway Company. The Pennsylvania Railroad Company had been incorporated in Pennsylvania on April 13, 1846, by a special act of the Legislature of Pennsylvania, and was granted Letters Patent dated February 25, 1847 by the Commonwealth of Pennsylvania.

The Northern Central Railway Company operated its own property from December 16, 1854 to January 1, 1911, after which it was run by The Pennsylvania Railroad Company, except for the period of federal control in 1918-1920. The Pennsylvania Railroad Company entered into a 999-year lease with The Northern

Central Railway Company in order to operate the Northern Central Railway property during the lease period, as of January 1, 1911.

The consolidation of the Pennsylvania Railroad Company and the New York Central Railroad Company into a company that was originally and tentatively named the Pennsylvania New York Central Transportation Company, and later renamed the Penn Central Transportation Company, was studied and discussed by the railroad applicants to the Interstate Commerce Commission for approval and then handled by the ICC and the courts for approval, for about 10 years before the transaction was authorized and completed.

After the initial study of the Pennsylvania Railroad Company and New York Central Railroad Company that was authorized by the parties in November 1957 was completed in January 1959, the New York Central Railroad Company withdrew from the plan and began negotiations for a merger with the Chesapeake and Ohio Railway Company (C & O) for joint control of The Baltimore and Ohio Railroad Company (B & O). However, when at a later date the Chesapeake and Ohio Railway contracted for the purchase of some 61% of Baltimore and Ohio Railroad stock, the New York Central Railroad Company gave up its plan to merge with the Chesapeake and Ohio Railway Company and jointly control the Baltimore and Ohio Railroad Company and renewed negotiations for a merger with the Pennsylvania Railroad Company.

The New York Central Railroad Company and the Pennsylvania Railroad Company signed an agreement of merger in 1962. The New York, New Haven and Hartford Railroad Company (New Haven) approached the Pennsylvania Railroad and

the New York Central Railroad for inclusion in the plan but the Pennsylvania and New York Central rebuffed the New Haven's request. The Pennsylvania-New York Central merger agreement provided that all properties, franchises, licenses and like assets or rights (permitted by respective state law), would be transferred to the merged company and appropriate stock exchange, debt arrangements, and other agreements would be effected. In ICC Finance Docket No. 21989, filed March 9, 1962, the Pennsylvania Railroad Company and the New York Central Railroad Company made a joint application to the Interstate Commerce Commission for approval of the transaction in their merger agreement that was signed by the parties on January 12, 1962 and subsequently approved by the Pennsylvania Railroad Company shareholders on May 8, 1962.

In *Pennsylvania R. Co. -- Merger -- New York Central R. Co.*, 327 I.C.C. 475 (1966), the Interstate Commerce Commission (ICC) approved and authorized the merger of the New York Central Railroad Company into the Pennsylvania Railroad Company, together with sole or joint control of the New York Central's subsidiaries and affiliates and acquisition of NYC's leases and contracts to operate the properties of other carriers and NYC's trackage rights held jointly or otherwise by NYC over lines of other carriers or terminals. The purpose of the merger was to provide the drastic relief needed to arrest a trend which, as the Commission then saw it, would certainly have reduced the individual applicants to perilous financial straits. See 327 I.C.C. at 493-502. In order to render the transaction consistent with the public interest as interpreted by the Commission at the time, the ICC required, among other things, that the New

York, New Haven and Hartford Railroad Company (New Haven) and its affiliates and subsidiaries be included upon fair and equitable terms later to be determined by the Commission with the approval of the courts. Though consummation of the merger was permitted prior to the New Haven inclusion, the ICC made clear that such consummation would constitute full and complete assent by the merging parties to the New Haven's inclusion in the consolidated company.

In *The Baltimore & Ohio Railroad Co. et al. v. United States et al.*, 386 U.S. 372; 87 S. Ct. 1100; 18 L. Ed. 2d 159 (1967), the United States Supreme Court found that the ICC should not have approved consummation of the merger before the Commission decided whether to include not just the New Haven but the three other railroads to be "protected" under the Commission's decision as a result of the approval of both the Pennsylvania Railroad Company-New York Central Railroad Company merger and the Norfolk and Western Railway Company, the Wabash Railroad Company and the New York, Chicago and St. Louis Railroad Company (the "Nickel Plate" Railroad) merger. The additional three companies, the Erie Lackawanna Railroad Company, the Boston and Maine Railroad Company, and the Delaware and Hudson Railroad Company were expected to be included into either the Pennsylvania-New York Central Railroad or Norfolk and Western Railway merged systems. This Supreme Court decision, and remand to the ICC for further proceedings, delayed consummation of the Penn Central merger transaction even longer, to the financial detriment of all the parties.

Thus, although the Interstate Commerce Commission's authorization of the merger of the Pennsylvania and the New York Central railroads was sustained in *Penn-*

Central Merger and N & W Inclusion Cases, 389 U.S. 486, 88 S. Ct. 602, 19 L. Ed. 2d 723 (1968), the United States Supreme Court delayed consummation of the transaction until the Erie Lackawanna Railroad, Boston and Maine Railroad and Delaware and Hudson Railroad inclusion cases were decided. In its opinion, the Supreme Court observed in *Penn-Central Merger Cases*, 389 U.S. 486 (1968), at page 498, that:

Most of the parties before us are in accord that the merger is in the public interest and should be consummated as promptly as possible. Those urging immediate consummation before this Court include the Department of Justice and the Commission, the States of Pennsylvania, Connecticut, Rhode Island, New York, Massachusetts, and New Jersey; the Railway Labor Executives' Association; the trustees of the NH; the Pennsylvania and New York Central railroads; B & M; and, in substance, the E-L, D & H, and N & W and its allies.

The ICC had found that the merger would "create an hour-glass shaped system flared on the east from Montreal, Canada, through Boston, Massachusetts, to Norfolk, Virginia, and on the west from Mackinaw City, Michigan, through Chicago, Illinois, to St. Louis, Missouri" 327 I. C. C., at 489. It would operate some 19,600 miles of road in 14 States between the Great Lakes, including some track in Canada on the north, and the Ohio and Potomac Rivers on the south.

The Pennsylvania Railroad Company was the largest railroad in the Northeastern Region of the United States and the New York Central Railroad Company was the third largest railroad in that region at the time of the merger. Taken together, the operating revenue of the two roads was over \$1,500,000,000 in 1965. Their net income in 1964

totaled almost \$57,000,000 and in 1965 that net income exceeded \$75,000,000. In 1963 the total net income of the two companies had been barely \$16,000,000. The cost of operation of the two systems was running at \$90,000,000 a month and their working capital was \$2,000,000 in 1965. As of December 31, 1963, the combined investments of the two companies were valued at \$1,242,000,000. The Pennsylvania Railroad and the New York Central Railroad systems were each made up of numerous underlying corporations. As of the date of the ICC Examiners' Report in the Penn Central merger case, the merged company would have ownership interest in 182 corporations and 10 railroads under lease. Thirty-six of the corporations were rail carriers, in six of which the merged company would have a voting control. All six were Class I railroads. The merged company would likewise control six Class II railroads, five switching and terminal railroads, a holding company, five car-leasing companies, four other common carriers and 34 non-carrier corporations.

What the Supreme Court described as the largest railroad merger in the history of the Nation at the time was consummated by the parties on February 1, 1968, bringing together the companies that then dominated rail transportation in the Northeastern Region of the United States.

Subsequently, in the Fourth Supplement to the ICC's merger report, *Pennsylvania R. Co. -- Merger -- New York Central R. Co.*, 334 I.C.C. 25 (1968), the Commission fixed the terms for inclusion of the New York, New Haven and Hartford Railroad Company into the merged company and ordered that the inclusion be effected. Inclusion of the New Haven into the Penn Central was consummated pursuant to the

ICC's order of January 1, 1969. The Penn Central Transportation Company, a 20,000 route-mile railroad straddling the Northeast and extending into the Midwest and the South emerged from these transactions. Annual savings from the merger were originally predicted by the parties to exceed \$80 million after 8 years. The ICC and the courts thought that this system could take over and provide the necessary services of the New Haven, which was then enmeshed in severe deficit operations, caused in large part by extensive commuter and passenger train operations. Some 18 months after inclusion of the New Haven into the merged company, however, the Penn Central Transportation Company and its subsidiaries were at the reorganization court filing for bankruptcy reorganization and alleging that it was virtually without cash, was unable to meet its debts as they matured, had no means of borrowing or otherwise procuring funds to pay and discharge its debts and obligations, and was desirous of effecting a reorganization pursuant to section 77 of the U. S. Bankruptcy Act. Inclusion of the New Haven, which was weighed down by being the fourth largest private carrier of passengers in the world, in the Penn Central system produced some of the major financial and operating problems that bankrupted the Penn Central Transportation Company so soon after its formation.

Thus, the Penn Central Transportation Company filed a petition for reorganization under section 77 of the Bankruptcy Act, 11 U.S.C. §§ 205 et seq., on July 21, 1970. Subsequently, the United States District Court for the Eastern District of Pennsylvania appointed W. Willard Wirtz, George P. Baker, Jervis Langdon, Jr., and Richard C. Bond as trustees.

From April 1, 1976, when Conrail acquired and took possession of its properties, until June 1, 1999, Consolidated Rail Corporation held title to and operated the railroad property that is the subject of this proceeding. Conrail had acquired that property under the now defunct United States Railway Association's (USRA) Final System Plan for reorganization of the bankrupt northeastern and midwestern railroads (Penn Central Transportation Company, its secondary debtors, the Lehigh Valley Railroad Company, the Central Railroad of New Jersey, the Lehigh & Hudson River Railway, the Reading Company, Erie-Lackawanna Railroad Company, and the Ann Arbor Railroad Company), which had been submitted to Congress on July 26, 1975 ("Final System Plan") and automatically approved under the Regional Rail Reorganization Act of 1973 (3R Act). Under the Final System Plan, the remaining property of The Northern Central Railway Company that was not already abandoned, or abandoned pursuant to the FSP, was conveyed to Consolidated Rail Corporation on April 1, 1976, along with most of the rest of property of the Pennsylvania Railroad Company that had become part of the Penn Central Transportation Company property. Thus, the Penn Central's interest in the Cockeysville Branch was among the properties that Conrail acquired under the Final System Plan when it acquired its properties and began operations on April 1, 1976.

Norfolk Southern Corporation, a non-carrier holding company, was incorporated in the Commonwealth of Virginia on July 23, 1980. An Agreement of Merger and Reorganization, dated July 31, 1980, was the basis for Norfolk Southern Corporation control of Norfolk and Western Railway Company, headquartered in Roanoke, Virginia, and Southern Railway Company, headquartered in Washington, DC with a substantial

number of its offices also in Atlanta, Georgia, and their subsidiaries. Norfolk Southern Corporation acquired control of Norfolk and Western Railway Company and Southern Railway Company on June 1, 1982, pursuant to approval granted by the Interstate Commerce Commission (ICC). In October 1982, Norfolk Southern Corporation established its corporate headquarters at Norfolk, Virginia.

Two studies of the Norfolk and Western Railway Company and Southern Railway Company systems provide detailed information on their history. They are: E. F. Pat Striplin, *The Norfolk and Western: A History* (Roanoke, Va.: The Norfolk and Western Railway Co., 1981) and Burke Davis, *The Southern Railway: Road Of The Innovators* (Chapel Hill, N.C.: University of North Carolina Press, 1985). Numerous books have been written about the Pennsylvania Railroad. Among the more comprehensive of these books or multi-volume studies are *The Growth and Development of the Pennsylvania Railroad Company, 1846-1925*, H. W. Schotter; *Corporate History of the Pennsylvania Lines West of Pittsburgh* (15 vol.), compiled by S. H. Church; *The Pennsylvania Railroad Company; Corporate, Financial, and Construction History of Lines Owned, Operated and Controlled to December 31, 1945* (4 vol.), prepared by Coverdale and Colpitts, consulting engineers.

Effective December 31, 1990, Southern Railway Company changed its name to Norfolk Southern Railway Company. Norfolk and Western Railway Company became a wholly owned subsidiary of Norfolk Southern Railway Company rather than a subsidiary of Norfolk Southern Corporation.

Pursuant to a notice of exemption filed in STB Finance Docket No. 33648,

Norfolk Southern Railway Company--Merger Exemption--Norfolk and Western Railway Company, served August 31, 1998, Norfolk Southern Railway Company (NSR) merged Norfolk and Western Railway Company (NW) into NSR, effective September 1, 1998.

Norfolk Southern Corporation ("NSC"), parent to Norfolk Southern Railway Company ("NSR"), entered into a Transaction Agreement (the "Conrail Transaction Agreement") among NSC; NSR; CSX Corporation ("CSX"); CSX Transportation, Inc. ("CSXT"), a wholly-owned subsidiary of CSX; Conrail Inc. ("CRR"); Conrail, a wholly-owned subsidiary of CRR; and CRR Holdings LLC, dated June 10, 1997, pursuant to which CSX and NSC indirectly acquired all the outstanding capital stock of CRR. The Conrail Transaction Agreement was approved by the Surface Transportation Board ("STB") in a decision served July 23, 1998 in STB Finance Docket No. 33388, *CSX Corporation and CSX Transportation, Inc., Norfolk Southern Corporation and Norfolk Southern Railway Company - Control and Operating Leases/Agreements - Conrail Inc. and Consolidated Rail Corporation*, and the transaction was closed and became effective June 1, 1999.

As a result of the Conrail transaction, Norfolk Southern Railway Company's rail operations grew to include some 7,200 miles of the Conrail system (predominately most of the remaining former Pennsylvania Railroad Company properties), creating balanced rail transportation in the East to benefit customers and communities alike.

The change contemplated in the operation of the subject Line, the Cockeysville Branch described above, after the STB grants an exemption from the prior approval requirements of the ICCTA with respect to the abandonment of Norfolk Southern

Railway Company's freight operating rights over the Line, is for NSR to consummate abandonment of its freight operating easement over the Line and to permanently discontinue providing freight service over the Line. As a result of this action, NSR's common carrier obligation to provide freight service over this line will be abandoned and extinguished and no party will have a common carrier obligation to provide freight service over the Line thereafter. However, the Line will remain essentially intact and will continue to be used by its owner and operator, MDOT and the Maryland Transit Administration, to provide light rail commuter passenger service to the residents of the area.

Summary of Documents in Carrier's Possession that Might be Useful for Documenting a Structure that is Found to be Historic

As NSR does not own or maintain the line, it has possession of no plans for structures on the line. To the extent the line's owner, MTA, may have plans available for the structures on the line, it is most likely that any such plans are standard plans used for the construction of similar structures on the dates of construction.

Opinion Regarding Criteria for Listing in the National Register of Historic Places

It is crucial to note that this railroad property will remain intact upon the abandonment of freight service over the Line. Light rail commuter passenger service will continue to be provided over the Line by the MTA after the abandonment of the freight operating rights and the discontinuance of freight service. Thus, even if it were determined that any properties comprising or associated with the Line are actual or eligible historic properties, abandonment of the freight operating rights over the Line will have no effect on them. Any subsequent changes to the character of the Line would be

undertaken by MTA.

NSR's opinion is that neither the structures on the line to be abandoned nor the line itself meets the criteria for listing in the National Register of Historic Places. The line passes through residential, commercial and industrial areas. NSR has no reason to believe that there is any likelihood of finding historic properties on the line proposed for abandonment.

Subsurface Ground Conditions that Might Affect Archaeological Recovery

NSR is not aware of any prior subsurface ground disturbances or environmental conditions that would affect archaeological recovery. Moreover, the action contemplated is the abandonment of freight operating rights. The line itself will remain intact and operated by MTA for passenger service. Under this circumstance, materials will remain in place causing no change to surface conditions. The subsurface of the right-of-way was initially disturbed in the construction of the railroad line by grading and filling. The contemplated action will not result in additional activities below the surface, or below the level of initial disturbance.

Follow-Up Information

NSR will provide relevant and available additional information as required and appropriate.

APPENDIX A

Site Map



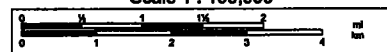
Data use subject to license.

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Scale 1 : 100,000



1" = 1.58 mi Data Zoom 11-0

APPENDIX B

Agency Letters

RECIPIENT LIST

Proposed rail freight service operation abandonment of the segment of rail line between MP UU 1.00 and UU 15.44, located in Baltimore City and Baltimore County, Maryland.

Maryland State Clearinghouse
Department of State Planning
301 West Preston Street, Suite 1101
Baltimore, MD 21201-2305

The Honorable Sheila Dixon, Mayor
City Hall, Room 250
100 N. Holliday Street
Baltimore, MD 21202

Mr. James T. Smith, Jr.
Baltimore County Executive
400 Washington Avenue
Mailstop 2M01A
Towson, MD 21204

United States Army Corps of Engineers
Baltimore District
P. O. Box 1715
Baltimore, MD 21203

US Fish and Wildlife Service
Region 5
300 West Gate Center Drive
Hadley, MA 01035-9589

USDA-NRCS
John Hanson Business Center
339 Busch's Frontage Road, Suite 301
Annapolis, MD 21401

US EPA – Region 3
1650 Arch Street
Philadelphia, PA 19103

Maryland Department of Environment
1800 Washington Boulevard
Baltimore, MD 21230

Maryland Coastal Zone
Management Program
Department of Natural Resources
Tawes State Office Building
580 Taylor Avenue
Annapolis, MD 21401

National Park Service
Northeast Region
200 Chestnut Street
5th Floor
Philadelphia, PA 19106

NOAA -National Geodetic Survey
Geodetic Services Division
Room 9292, NGS/12
1315 East-West Hwy
Silver Spring, MD 20910-3282

Mr. J. Rodney Little, Director
Maryland Historic Trust
100 Community Place
Crownsville, MD 21032



Norfolk Southern Corporation
Three Commercial Place
Norfolk, Virginia 23510-2191

Strategic Planning Department
Three Commercial Place
Norfolk, VA 23510-9207
(757) 629-2679

October 5, 2009

RE: Docket No. AB-290 (Sub-No. 311X), Norfolk Southern Railway Company
Abandonment – in Baltimore City and Baltimore County, Maryland

Dear Sir/Madam:

Norfolk Southern Railway Company (NSR) plans to request authority from the Surface Transportation Board (STB) to abandon its rail freight service operation over a segment of rail line between Milepost UU 1.00 and Milepost UU 15.44, located in Baltimore City and Baltimore County, Maryland.

Enclosed is a Combined Environmental and Historic Report which describes the proposed abandonment and other pertinent information. A map of the proposed abandonment can be found in Appendix A of this report.

NSR does not anticipate adverse environmental impacts; however, if you identify any adverse environmental effects please describe the actions that would assist in alleviating them. Please provide us with a written response indicating any concerns or lack thereof, which will be included in an Environmental Report and sent to the Surface Transportation Board (STB). Appendix B of this report lists the various agencies receiving it.

This report is also being provided so that you may submit information that will form the basis for the STB's independent environmental analysis of the proceeding. If you believe any of the information is incorrect, if you think pertinent information is missing, or if you have any questions about the Board's Environmental Review process, please contact the Section of Environmental Analysis (SEA) by telephone at (202) 245-0295 or by mail to:

Surface Transportation Board,
395 E Street, S.W., Room 1106
Washington DC 20423-0001

Please refer to the above Docket when contacting the STB. Applicable statutes and regulations impose stringent deadlines for processing this action. For this reason your written comments (with a copy to us) would be appreciated within three weeks.

Your comments will be considered by the Board in evaluating the environmental impacts of the contemplated action. In order for us to consider your input prior to filing with the STB, NSR must receive your comments within three weeks. Please provide information to Kathy Headrick by email at kathy.headrick@nscorp.com, or by mail to:

Kathy Headrick
Coordinator-Abandonments
Norfolk Southern Corporation
Strategic Planning Department
Three Commercial Place
Norfolk, VA 23510

Sincerely,

A handwritten signature in black ink, appearing to read 'Marcellus C. Kirchner', with a stylized, flowing script.

Marcellus C. Kirchner
Director Strategic Planning
Norfolk Southern Railway Company



Norfolk Southern Corporation
Three Commercial Place
Norfolk, Virginia 23510-2191

Kathy C. Headrick
Coordinator-Abandonments
Strategic Planning Department
(757) 629-2889
(757) 533-4884 FAX

October 28, 2009

Mr. Tim Tamburrino, Preservation Officer
Project Review and Compliance
Maryland Department of Planning
100 Community Place
Crownsville, MD 21032

Re: Norfolk Southern Abandonment between Milepost UU 1.00 and UU 15.44
Baltimore City and Baltimore County
STB Docket No. AB-290 (Sub-No. 311X)
Maryland State Clearinghouse Application Identifier: MD20091013-1359

Dear Mr. Tamburrino:

Thank you for your letter of October 23 concerning the above-referenced abandonment. In order to provide you with the most complete file possible concerning this matter I have enclosed a photograph of the former Cockeysville Freight Depot, which is situated adjacent to the line being abandoned and which we are advised is listed on the Maryland Historic Trust Inventory.

As its appearance would indicate, the depot does not support any current railroad operations. NSR has no ownership interest in the depot and has never used it for any purpose. Its status will not be affected by the proposed abandonment. As previously stated, NSR will not be conducting any salvage activities in connection with this abandonment.

Thank you for the opportunity to comment further on this proposed undertaking.

Very truly yours,

A handwritten signature in cursive script that reads "Kathy C. Headrick".

Kathy C. Headrick

Enclosure

APPENDIX C

Agency Responses



JAMES T. SMITH JR.
County Executive

June 26, 2009

Ms. Kathy Headrick
Coordinator Abandonments
Strategic Planning – 12th Floor
Norfolk Southern Corporation
3 Commercial Place
Norfolk VA 23510

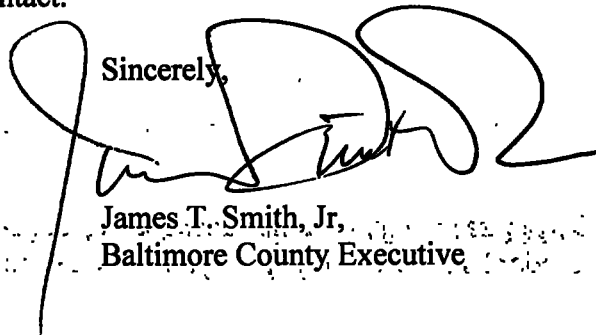
Dear Ms Headrick,

I offer the following comments in response to your May 28, 2009 letter on the proposed abandonment of freight service on the rail line located between Milepost UU 1.0 and Milepost UU 15.44.

The Maryland Transit Administration (MTA) provides rail transit service via its Central Light Rail Line over most of the section you are considering for abandonment. The MTA's Central Light Rail Line is a key component of the developing rail system that will address the transportation and growth needs of the Baltimore region. Baltimore County has developed growth management policies for land uses to *complement* the Central Light Rail Line and its connections to other portions of the regional rail system. Some of these policies can be found in the Baltimore County Master Plan 2010 and the Hunt Valley/Timonium Master Plan. *Baltimore County supports the proposed abandonment by Norfolk Southern because removal of the potential for any freight service on that corridor would be entirely consistent with the County's, the City's and the State's long term objectives for preservation of the integrity and safety of the operation of the MTA's light rail passenger service on its Central Light Rail Line.*

Should you have any question, please contact.

Sincerely,



James T. Smith, Jr.,
Baltimore County Executive

JTS:JM:lsn

Headrick, Kathy, C

From: Moore, Amanda - Annapolis, MD [Amanda.Moore@md.usda.gov]
Sent: Monday, June 08, 2009 10:10 AM
To: Headrick, Kathy, C
Cc: Cowherd, Dean - Annapolis, MD; Rose, Mark - Annapolis, MD
Subject: Docket No AB-290 (Sub-No. 311X), Norfolk Southern Railway Company - Abandonment - Baltimore City and Baltimore County, Maryland

Dear Kathy,

The information below is in response to a request related to Docket No AB-290 (Sub-No. 311X), Norfolk Southern Railway Company - Abandonment - Baltimore City and Baltimore County, Maryland regarding presence of Prime Farmland.

Baltimore City -

Referencing the Soil Survey of the City of Baltimore, Maryland (1992), map sheet 2, Baltimore West 1 Quadrangle, due to the urban and built-up nature of this area, there are no prime farmland soils or soils of statewide importance along the rail line. However, several soil map units contain soils that may be considered prime farmland or farmland of statewide importance under other conditions.

Baltimore County -

Referencing the Soil Survey of Baltimore County, Maryland (1976), map sheets 22, 28, and 34, the following map units that occur adjacent to the rail line have been designated as *prime farmland*:

BmB2: Baltimore silt loam, 3 to 8% slopes, moderately eroded
 BwB2: Brandywine loam, 3 to 8% slopes, moderately eroded
 CcB2: Chester silt loam, 3 to 8% slopes, moderately eroded
 CwB2: Conestoga loam, 3 to 8% slopes, moderately eroded
 EsB: Elsinboro loam, 3 to 8% slopes
 GcB2: Glenelg loam, 3 to 8% slopes, moderately eroded
 GnB: Glennville silt loam, 3 to 8% slopes

The following map units that occur adjacent to the rail line have been designated as *prime farmland if they are protected from flooding or if they are not flooded frequently during the growing season*:

Cu: Cudorus silt loam
 Ls: Lindside silt loam

The following map units that occur adjacent to the rail line have been designated as *farmland of statewide importance*:

BmC2: Baltimore silt loam, 8 to 15% slopes, moderately eroded
 BwC2: Brandywine loam, 8 to 15% slopes, moderately eroded
 CaA: Captina silt loam, 0 to 3% slopes
 CaB2: Captina silt loam, 3 to 8% slopes, moderately eroded
 CwC2: Conestoga loam, 8 to 15% slopes, moderately eroded
 Du: Dunning silt loam
 Hb: Hatboro silt loam
 HoB2: Hollinger loam, 3 to 8% slopes, moderately eroded
 HoC2: Hollinger loam, 8 to 15% slopes, moderately eroded
 JpB: Joppa gravelly sandy loam, 2 to 5% slopes
 JpC2: Joppa gravelly sandy loam, 5 to 10% slopes, moderately eroded
 MbC2: Manor loam, 8 to 15% slopes, moderately eroded
 Mn: Melvin silt loam
 Mo: Melvin silt loam, local alluvium
 ReC2: Relay silt loam, 8 to 15% slopes, moderately eroded

However, a quick review of more recent imagery for this area (2006 imagery) indicates that with exception of approximately 300 meters of rail line just north of the City/County boundary, the majority of the area through which the rail line passes has been built up. As such, I would not anticipate additional impacts to the prime farmland soils in this area due to the proposed rail line abandonment.

Please let me know if you have any questions about this information.

Thanks,
Amanda

Amanda Moore
State Soil Scientist
Natural Resources Conservation Service
Office: 443-482-2913
Cell: 443-534-6358
Fax: 410-757-0687
<http://www.md.nrcs.usda.gov>



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Chesapeake Bay Field Office
177 Admiral Cochrane Drive
Annapolis, MD 21401
410/573-4575



June 25, 2009

Marcellus C. Kirchner
Norfolk Southern Corporation
Three Commercial Place
Norfolk, Virginia 23510

*RE: Docket No AB-290 (Sub-No. 311X), Norfolk Southern Railway Company- Abandonment-
Baltimore City and Baltimore County, Maryland*

Dear Mr. Kirchner:

This responds to your letter, received June 5, 2009, requesting information on the presence of species which are federally listed or proposed for listing as endangered or threatened within the vicinity of the above reference project area. We have reviewed the information you enclosed and are providing comments in accordance with section 7 of the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*).

Except for occasional transient individuals, no federally proposed or listed endangered or threatened species are known to exist within the project impact area. Therefore, no Biological Assessment or further section 7 Consultation with the U.S. Fish and Wildlife Service is required. Should project plans change, or if additional information on the distribution of listed or proposed species becomes available, this determination may be reconsidered.

This response relates only to federally protected threatened or endangered species under our jurisdiction. For information on the presence of other rare species, you should contact Lori Byrne of the Maryland Wildlife and Heritage Division at (410) 260-8573.

Effective August 8, 2007, under the authority of the Endangered Species Act of 1973, as amended, the U.S. Fish and Wildlife Service (Service) removed (delist) the bald eagle in the lower 48 States of the United States from the Federal List of Endangered and Threatened Wildlife. However, the bald eagle will still be protected by the Bald and Golden Eagle Protection Act, Lacey Act and the Migratory Bird Treaty Act. As a result, starting on August 8, 2007, if your project may cause "disturbance" to the bald eagle, please consult the "National Bald Eagle Management Guidelines" dated May 2007.

If any planned or ongoing activities cannot be conducted in compliance with the National Bald Eagle Management Guidelines (Eagle Management Guidelines), please contact the Chesapeake Bay Ecological Services Field Office at 410-573-4573 for technical assistance. The Eagle

Management Guidelines can be found at:

<http://www.fws.gov/migratorybirds/issues/BaldEagle/NationalBaldEagleManagementGuidelines.pdf>.

In the future, if your project can not avoid disturbance to the bald eagle by complying with the Eagle Management Guidelines, you will be able to apply for a permit that authorizes the take of bald and golden eagles under the Bald and Golden Eagle Protection Act, generally where the take to be authorized is associated with otherwise lawful activities. This proposed permit process will not be available until the Service issues a final rule for the issuance of these take permits under the Bald and Golden Eagle Protection Act.

An additional concern of the Service is wetlands protection. Federal and state partners of the Chesapeake Bay Program have adopted an interim goal of no overall net loss of the Basin's remaining wetlands, and the long term goal of increasing the quality and quantity of the Basin's wetlands resource base. Because of this policy and the functions and values wetlands perform, the Service recommends avoiding wetland impacts. All wetlands within the project area should be identified, and if construction in wetlands is proposed, the U.S. Army Corps of Engineers, Baltimore District, should be contacted for permit requirements. They can be reached at (410) 962-3670.

We appreciate the opportunity to provide information relative to fish and wildlife issues, and thank you for your interests in these resources. If you have any questions or need further assistance, please contact Devin Ray at (410) 573-4531.

Sincerely,

A handwritten signature in black ink, appearing to read "Leopoldo Miranda", written in a cursive style.

Leopoldo Miranda
Field Supervisor

Headrick, Kathy, C

From: Romeo, Jon NAB02 [JON.ROMEO@usace.army.mil]
Sent: Wednesday, July 08, 2009 8:51 AM
To: Headrick, Kathy, C
Subject: FW: Abandonment of Freight Service Baltimore City and County, MD

-----Original Message-----

From: Romeo, Jon NAB02
Sent: Wednesday, July 08, 2009 8:49 AM
To: 'kathy.headrick@nscorp.com'
Subject: Abandonment of Freight Service Baltimore City and County, MD

Ms.Headrick,

I'm replying to Mr. Kirchner's letter dated May 28, 2009 concerning the abandonment of your freight service operation over a rail line located between Milepost UU 1.00 (Baltimore City) and Milepost UU 15.44 (Cockeysville, Baltimore County), Maryland. If the abandonment does not entail the placement of dredged or fill material into waters of the U.S., including jurisdictional wetlands, Department of the Army authorization would not be required.

Please call me if you have any questions.

Thanks,

Jon Romeo
410-962-6079



MARYLAND DEPARTMENT OF THE ENVIRONMENT

1800 Washington Boulevard • Baltimore MD 21230

410-537-3000 • 1-800-633-6101

Martin O'Malley
Governor

Shari T. Wilson
Secretary

Anthony G. Brown
Lieutenant Governor

Robert M. Summers, Ph.D.
Deputy Secretary

October 28, 2009

Surface Transportation Board
395 E Street, S.W., Room 1106
Washington DC 20423-0001

RE: Docket No. AB-209 (Sub-No. 311X), Norfolk Southern Railway Company
Abandonment-in Baltimore City and Baltimore County, Maryland

Dear Sir/Madam:

The proposed plans for the Norfolk Southern Railway Company (NSR) to abandon its rail freight service operations along a segment of rail line between Milepost UU1.00 and Milepost UU 15.44 in Baltimore County and Baltimore City as described in the Combined Environmental and Historic Report does not appear to impact regulated water resources that would require an authorization from the State of Maryland.

If work is determined to impact any tidal or nontidal wetland, 25-foot nontidal wetland buffer, any waterway and/or floodplain during the abandonment process then an authorization would be required by the State of Maryland prior to the start of any work. To obtain authorization a Joint State/Federal Application for the Alteration of Any Floodplain, Waterway, Tidal or Nontidal Wetland in Maryland must be submitted to the Department. The application may be downloaded for use from our website:

<http://www.mde.maryland.gov/assets/document/wetlandswaterways/alter.pdf>

If you have any further questions please feel free to contact me by phone at 410) 537-3911.

Sincerely,


Cheryl Kerr
Natural Resource Planner
Nontidal Wetlands and Waterways Program

RECEIVED

NOV 2 2009

VP STRATEGIC PLANNING



MARYLAND DEPARTMENT OF THE ENVIRONMENT

1800 Washington Boulevard • Baltimore, Maryland 21230

410-537-3000 • 1-800-633-6101 • <http://www.mde.state.md.us>

Martin O'Malley
Governor

Shari T. Wilson
Secretary

Anthony G. Brown
Lieutenant Governor

Robert M. Summers, Ph.D.
Deputy Secretary

November 10, 2009

Ms. Kathy Headrick
Coordinator – Abandonments
Norfolk Southern Corporation
Three Commercial Place
Norfolk VA 23510

RE: State Application Identifier: MD20091013-1359
Project: Norfolk Southern Railway Company Abandonment (Mileposts 1.0 and 15.44)

Dear Ms. Headrick

Thank you for the opportunity to review the above referenced project. The document was circulated throughout the Maryland Department of the Environment (MDE) for review, and the following comment is offered for your consideration.

- Any solid waste including construction, demolition and land clearing debris, generated from the subject project, must be properly disposed of at a permitted solid waste acceptance facility, or recycled if possible. Contact the Solid Waste Program at (410) 537-3318 for additional information.

Again, thank you for giving MDE the opportunity to review this project. If you have any questions, please feel free to call me at (410) 537-4120.

Sincerely,

Joane D. Mueller
Clearinghouse Coordinator
Office of Communications

cc: Bob Rosenbush, State Clearinghouse

Headrick, Kathy, C

From: Simon Monroe [Simon.Monroe@noaa.gov]
Sent: Thursday, October 22, 2009 4:03 PM
To: Headrick, Kathy, C
Cc: Kirchner, Marc C.; Surface Transportation Board; Surveyorlady@yahoo.com; Gilbert Mitchell; Simon Monroe
Subject: [NGS Response, STB Docket AB-290 (SUB NO. 311X)]

Thank you for sharing your railroad abandonment environmental report for Baltimore, Baltimore County, MARYLAND.

Approximately 36 geodetic survey marks may be located in the area described. If marks will be disturbed by the abandonment, [THE RAILROAD] shall consult with the National Geodetic Survey (NGS) at least 90 days prior to beginning salvage activities that will disturb, or destroy any geodetic station marks are described on the attached file. Additional advice is provided at <http://geodesy.noaa.gov/marks/railroads/>

Dist	PID...	H	Dist	V	Vert_Source	Latitude.....	Longitude.....	Stab	Designation
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....	JV1177	. 2	88/ADJUSTED	N392751.....	W0763837.....	D...	16	PRR	
....	JV1180	. 2	88/ADJUSTED	N392656.....	W0763806.....	B...	15	PRR	
....	JV1179	. 2	88/ADJUSTED	N392726.....	W0763825.....	C...	F 14		
....	JV1259	2 2	88/ADJUSTED	N392700.65397	W0763818.38426	C...	FAIR		
....	JV1262	3 3	88/RESET...	N392700.24438	W0763817.66691	C...	FAIR 2		
RESET									
....	JV1263	. 3	88/RESET...	N392700.....	W0763818.....	C...	FAIR 2	RM	
3									
....	JV1264	. 3	88/RESET...	N392700.....	W0763818.....	C...	FAIR 2	RM	
4									
....	JV1260	. 2	88/ADJUSTED	N392700.....	W0763818.....	C...	FAIR	RM 1	
....	JV1261	. 2	88/ADJUSTED	N392700.....	W0763818.....	C...	FAIR	RM 2	
....	JV5649	1 .	29/SCALED..	N392800.52040	W0763816.28964	....	TEXAS		
RESET									
....	JV1181	. 2	88/ADJUSTED	N392559.....	W0763741.....	D...	14	PRR	
....	JV6453	0 .	88/GPS OBS.	N392616.03792	W0763800.61888	A...	GPS LR	23	
....	JV1256	. 2	88/ADJUSTED	N392606.....	W0763759.....	C...	TIMON	RM	

'|2

|....|JV1184|. 2|88/ADJUSTED|N392501.....|W0763822.....|B...|12 PRR
|....|JV1182|. 2|88/ADJUSTED|N392527.....|W0763746.....|D...|13 PRR
|....|JV6508|3 3|29/LEVELING|N392510.49577|W0763819.55230|D...|CHANGE
RESET
|....|JV6509|3 3|29/LEVELING|N392511.37081|W0763823.45708|D...|CHANGE RM
6
|....|JV6510|3 3|29/LEVELING|N392509.89922|W0763819.75450|D...|CHANGE RM
7
|....|JV1183|. 2|88/ADJUSTED|N392512.....|W0763805.....|B...|E 14
|....|JV1188|. 2|88/ADJUSTED|N392256.....|W0763836.....|B...|8 PRR
|....|JV1187|. 2|88/ADJUSTED|N392321.....|W0763829.....|D...|9 PRR
|....|JV1189|. 2|88/ADJUSTED|N392233.....|W0763903.....|C...|D 14
|....|JV1197|. 2|88/ADJUSTED|N392115.....|W0763855.....|A...|5822 C OF
B
|....|JV1194|. 2|88/ADJUSTED|N392145.....|W0763901.....|D...|5823 C OF
B
|....|JV1195|. 2|88/ADJUSTED|N392137.....|W0763905.....|B...|6 PRR
|....|JV1193|. 2|88/ADJUSTED|N392204.....|W0763905.....|B...|7 PRR
|....|JV1190|. 2|88/ADJUSTED|N392204.....|W0763905.....|B...|ZZ 13
USGS
|....|JV1205|. 2|88/ADJUSTED|N392003.....|W0763845.....|D...|5571 C OF
B
|....|JV1206|. 2|88/ADJUSTED|N391956.....|W0763837.....|C...|Z 13
|....|JV1209|. 2|88/ADJUSTED|N391935.....|W0763816.....|D...|1053 C OF
B
|....|JV1212|. 2|88/ADJUSTED|N391937.....|W0763746.....|D...|1265 C OF
B
|....|JV1210|. 2|88/ADJUSTED|N391935.....|W0763816.....|D...|2 PRR
|....|JV1213|. 2|88/ADJUSTED|N391937.....|W0763740.....|D...|5211 C OF
B
|....|JV1208|. 2|88/ADJUSTED|N391939.....|W0763829.....|D...|5539 C OF
B
|....|JV1211|. 2|88/ADJUSTED|N391937.....|W0763758.....|C...|X 537 C
OF B
|....|JV1196|. 2|88/ADJUSTED|N392123.....|W0763901.....|D...|5821 C OF
B



*Maryland Department of Planning
Maryland Historical Trust*

*Martin O'Malley
Governor*

*Anthony G. Brown
Lt. Governor*

*Richard Eberhart Hall
Secretary*

*Matthew J. Power
Deputy Secretary*

October 23, 2009

Ms. Kathy Headrick
Coordinator-Abandonments
Norfolk Southern Corporation
Three Commercial Place
Norfolk, VA 23510

Re: Norfolk Southern Abandonment between Milepost UU 1.00 and Milepost UU 15.44
Baltimore City and Baltimore County, Maryland
Maryland State Clearinghouse Application Identifier: MD20091013-1359

Dear Ms. Headrick:

The Maryland Historical Trust (Trust) received your submittal on October 7, 2009 regarding the above-referenced undertaking. We reviewed the documentation in accordance the Maryland Historical Trust Act of 1985, as amended, State Finance and Procurement Article §§ 5A-325 and 5A-326 of the Annotated Code of Maryland. We are writing to provide our comments regarding effects on historic properties.

The Norfolk Southern Railway Corporation (NSR) proposes the abandonment of freight service over a segment of rail line located within Baltimore City and Baltimore County formerly known as the Northern Central Railway Company. The Northern Central Railway Engineering Structures Historic District (MIHP No. BA-2874) was determined eligible for listing in the National Register of Historic Places in 2000. The NSR does not own or maintain the line. It is currently owned by the Maryland Transit Administration (MTA) and used for Light Rail commuter passenger service. The proposed abandonment of freight service on the line by NSR will have ***no effect on historic properties***, since the line will remain in State ownership and will continue to be used and maintained.

Thank you for the opportunity to comment. If you should have any questions or comments regarding this matter, please contact me at ttamburrino@mdp.state.md.us / 410-514-7637.

Sincerely,

Tim Tamburrino
Preservation Officer, Project Review & Compliance

TJT
200904101

cc: Bob Rosenbush (State Clearinghouse)

APPENDIX D

Bridge List

Milepost	Crossing	Bridge Type	Deck Type	Spans	Length in Feet	Year Built
UU 3.81	Jones Falls	Deck Plate Girder	Combination	2	111	1899
UU 4.43	Jones Falls	Deck Plate Girder	Combination	2	132	1887
UU 5.92	Western Run	Through Plate Girder	Combination	1	67	1915
UU 7.15	Lake Roland	Through Plate Girder	Combination	2	90	1925
UU 10.08	Roland Run	Deck Plate Girder	Open	1	34	1899
UU 10.67	Branch	Concrete Span		1	20	1920
UU 11.15	Roland Run	Concrete Span		1	8	1918
UU 12.32	Goodwins Run	Concrete Span		1	16	1964
UU 12.87	Goodwins Run	Structural Plate Arch		1	9	1964
UU 14.16	Parks Run	Structural Plate Arch		1	15	1968



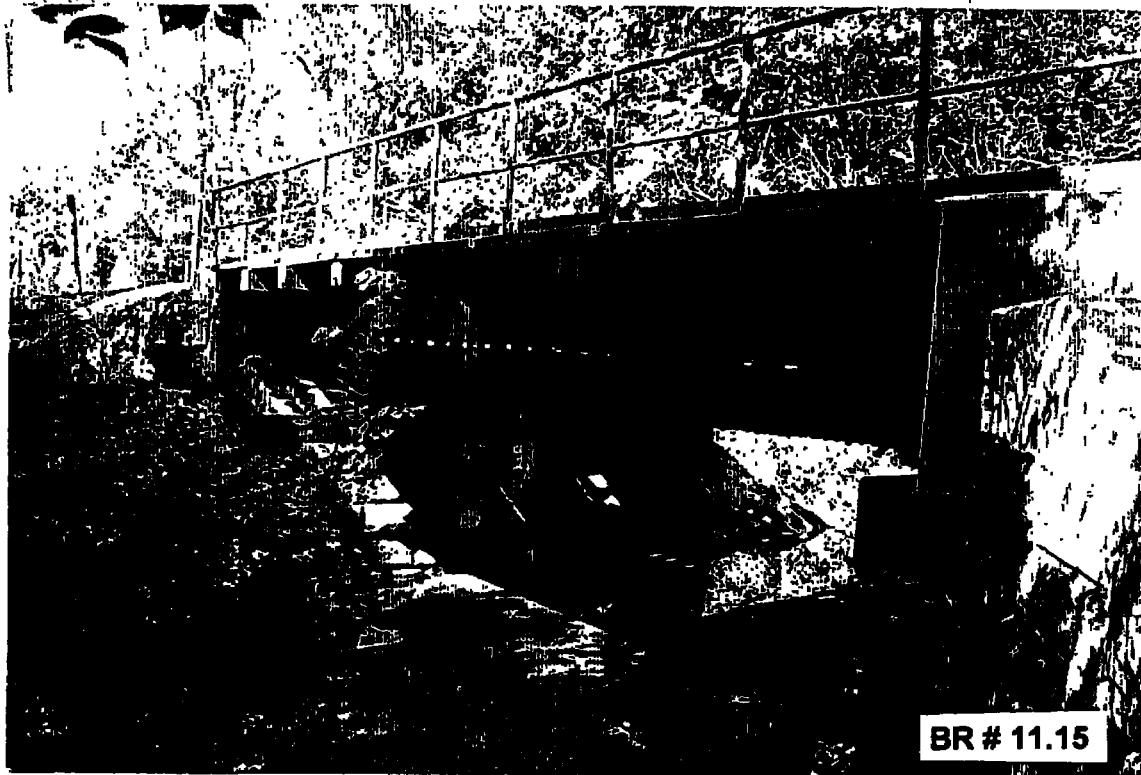
BR # 3.81



BR # 4.43

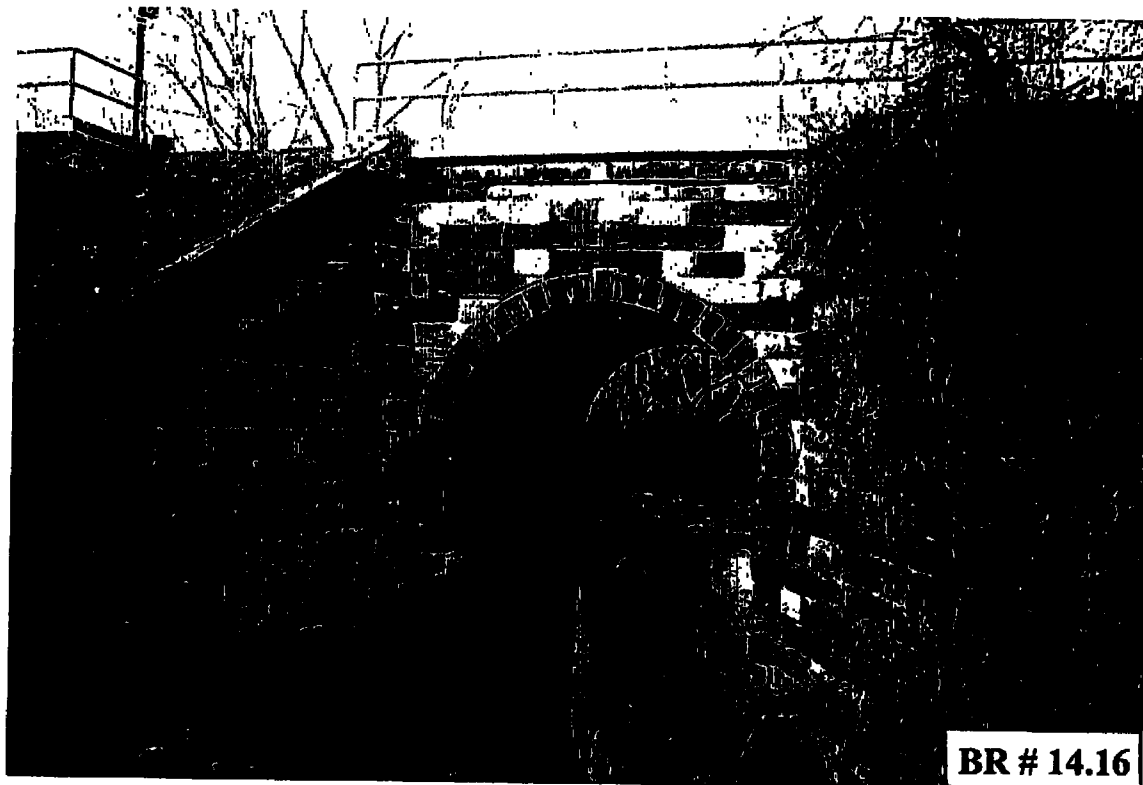








BR # 12.87



BR # 14.16

**Combined Environmental and Historic Report
Certificate of Service**

Pursuant to the requirements of 49 C.F.R. §1105.7(b) and 49 C.F.R. §1105.8(c), the undersigned hereby certifies that a copy of the Combined Environmental and Historic Report in Docket No. AB-290 (Sub-No. 311X) was mailed, via first class mail, on October 5, 2009, to the following parties:

Maryland State Clearinghouse
Department of State Planning
301 West Preston Street, Suite 1101
Baltimore, MD 21201-2305

The Honorable Sheila Dixon, Mayor
City Hall, Room 250
100 N. Holliday Street
Baltimore, MD 21202

Mr. James T. Smith, Jr.
Baltimore County Executive
400 Washington Avenue
Mailstop 2M01A
Towson, MD 21204

United States Army Corps of Engineers
Baltimore District
P. O. Box 1715
Baltimore, MD 21203

US Fish and Wildlife Service
Region 5
300 West Gate Center Drive
Hadley, MA 01035-9589

USDA-NRCS
John Hanson Business Center
339 Busch's Frontage Road, Suite 301
Annapolis, MD 21401

US EPA – Region 3
1650 Arch Street
Philadelphia, PA 19103

Maryland Department of Environment
1800 Washington Boulevard
Baltimore, MD 21230

Maryland Coastal Zone
Management Program
Department of Natural Resources
Tawes State Office Building
580 Taylor Avenue
Annapolis, MD 21401

National Park Service
Northeast Region
200 Chestnut Street
5th Floor
Philadelphia, PA 19106

NOAA -National Geodetic Survey
Geodetic Services Division
Room 9292, NGS/12
1315 East-West Hwy
Silver Spring, MD 20910-3282

Mr. J. Rodney Little, Director
Maryland Historic Trust
100 Community Place
Crownsville, MD 21032


Marcellus C. Kirchner

October 5, 2009

LEGAL NOTICES

NOTICE OF INTENT TO
ABANDON RAIL SERVICE

Norfolk Southern Railway Company (NSR) gives notice that on or about December 16, 2009, it intends to file with the Surface Transportation Board (STB), Washington, DC 20423, a petition for exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10903, permitting NSR's abandonment of rail freight service rights and operations over a 12.6-mile line of railroad (due to milepost relocations and rounding) commonly known in recent years as the Cockeysville Industrial Track ("CIT" or "Line"). The Line is located between railroad milepost UU-1.00 (located just north of Wyman Park Drive, formerly Cedar Avenue) and the end of the line south of the bridge at railroad milepost UU-15.44 in the City of Baltimore and in Baltimore County, Maryland, and traverses through United States Postal Service ZIP Codes 21020, 21094, 21139, 21204, 21209, 21210, 21211, 21212 and 21217 in Baltimore City and Baltimore County, Maryland, and serves the stations of Lutherville, Timonium, Texas and Cockeysville, MD. The southern end of the Line is governed by the station of Baltimore but NSR will retain service to the NS Thoroughbred Bulk Transfer Terminal and other locations included in the Baltimore station. The proceeding will be docketed as No. AB-290 (Sub No. 3110).

The STB's Section of Environmental Analysis (SEA) will generally prepare an Environmental Assessment (EA), which will normally be available 45 days after the filing of the petition for exemption. Comments on environmental and energy matters should be filed no later than 30 days after the EA becomes available to the public and will be addressed in an STB decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the Section of Environmental Analysis, Surface Transportation Board, 395 E Street, S.W., Washington, DC 20423-0001 or by calling that office at 202-245-0295.

Appropriate offers of financial assistance to continue rail service can be filed with the STB. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the STB. However, NSR will also petition the Board for exemptions from the Offer of Financial Assistance (OFA) provisions of 49 U.S.C. § 10904 and the Public Use provisions of 49 U.S.C. § 10905 in connection with this abandonment. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the STB's Section of Administration, Office of Proceedings, 395 E Street, S.W., Washington, DC 20423-0001 (See 49 CFR 1104.1(a) and 1104.2(a)), and one copy must be served on applicant's representative (See 49 CFR 1104.12(a)). Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Public Assistance, Governmental Affairs, and Compliance at (202) 245-0238. Copies of any comments or requests for conditions should be served on the applicant's representative: James H. Packham, Senior General Attorney, Norfolk Southern Corporation, Three Commercial Place, Norfolk, VA 23510-9241, (757) 629-2759.



THE BALTIMORE SUN

12/8 2009

WE HEREBY CERTIFY, that the annexed advertisement of

704821

was published in "THE BALTIMORE SUN" a daily newspaper printed and published in the City of Baltimore.

12/3/09

The Baltimore Sun Company,

By

Subscribed and sworn to before me this 8 day of December 2009, by

Michael Elaine Surbain

Notary Public

My commission expires October 5, 2011

7123

CERTIFICATION
SERVICE OF
NEWSPAPER NOTICE - 49 C.F.R. § 1105.12

I hereby certify that the newspaper notice required by 49 C.F.R. § 1105.12 was given through publication on 12/3/09, 2009, in The Baltimore Sun, which is a newspaper of general circulation in the City of Baltimore, MD and in Baltimore County, MD, the city and county through which the Line runs (see Exhibit F).



James R. Paschall

Dated: December 15, 2009